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NORTH CAROLINA
ELECTION LAWS

AS AMENDED

INCLUDING LAWS OF 1939

AND

ARTICLE VI OF STATE CONSTITUTION



COMPILED BY
RAYMOND C. MAXWELL,
EXECUTIVE SECRETARY
STATE BOARD OF ELECTIONS

NOTE

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ELECTION LAWS

[CHAPTER 97, CONSOLIDATED STATUTES AS AMENDED]

SUBCHAPTER I. GENERAL ELECTIONS

ART. 1. DEFINITIONS.

Section.

1. (C. S. 5913). Political Party Defined; Creation of a New Party.

Sec. 1 (c. s. 5913). Political party defined: creation of new party. A political party within the meaning of the election laws of this State shall be any group of voters which, at the last preceding general State election, polled for its candidate for Governor, or for presidential electors, in the State at least three per cent of the entire vote cast therein for Governor, or for presidential electors; or any group of voters which shall have filed with the State Board of Elections, at least ninety days before a general State election, a petition signed by ten thousand qualified voters, declaring their intention of organizing a State political party, the name of which shall be stated in the petition together with the name and address of the State chairman thereof, and also declaring their intention of participating in the next succeeding election. No such group of electors shall assume a name or designation which shall be so similar, in the opinion of the State Board of Elections, to that of an existing political party, as to confuse or mislead the voters at an election. When any new political party has qualified for participation in an election as herein required, and has furnished to the State Board of Elections the names of such of its nominees as is desired to be printed on the official ballots by the first day of September prior to the election, it shall be the duty of the State Board of Elections to cause to be printed on the official ballots furnished by it to the counties the names of such nominees. When any political party fails to cast three per cent of the total vote cast at an election for Governor, or for presidential electors, it shall cease to be a political party within the meaning of this act.

P. L. 1933, Chap. 165, Sec. 1.

ART. 2. TIME OF ELECTIONS.

Section.

2. (C. S. 5914). For State Officers.
3. (C. S. 5915). For Presidential Electors.
4. (C. S. 5916). For President and Vice-President, by Electors.
5. (C. S. 5917). For County Officers, Solicitors and Congressmen.
6. (C. S. 5918). For Township Officers.
7. (C. S. 5919). Special Election for Members of General Assembly.
8. (C. S. 5920). For Vacancies in State Offices.

Sec. 2 (c. s. 5914). For State officers. On Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and four, and every four years thereafter, an election shall be held in the several election precincts in each county for the following officers. Governor, Lieutenant-Governor, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, and other State officers whose terms last for four years, and at said time, and every two years thereafter, elections shall be held in the several election precincts in each county for other State officers whose election is not otherwise provided for by law.

Rev., s. 4293; 1901, c. 89, s. 3.

Sec. 3 (c. s. 5915). For Presidential electors. On the Tuesday next after the first Monday in the month of November, in the year of our Lord one thousand nine hundred and eight, and every four years thereafter, or on such days as the Congress of the United States shall have directed, a poll shall be opened in each of the precincts of the State for the election of electors of President and Vice-President of the United States, the number of whom is to be equal to the number of Senators and Representatives in Congress to which this State may be entitled, and the persons shall be electors for the State as aforesaid, and the voting place in each ward or precinct shall be the same as in elections for members of the General Assembly, unless changed by the County Board of Elections.

Rev., s. 4294; 1901, c. 89, s. 77.

Sec. 4 (c. s. 5916). For President and Vice-President, by electors. The persons elected and appointed as electors of the President and Vice-President of the United States shall assemble on the first Monday after the second Wednesday in December next following their election in the capitol at the city of Raleigh, and then and there give their votes on behalf of the State of North Carolina for President and Vice-President of the United States, and proceed in relation thereto in all things conformably to the Constitution of the United States and the acts of Congress in that behalf.

Rev., s. 4295; 1901, c. 89, s. 82; 1935, c. 143, s. 1.

Sec. 5 (c. s. 5917). For county officers, solicitors, and congressmen. On the Tuesday next after the first Monday in November, in the year of our Lord one thousand nine hundred and six, and every two years thereafter, an election shall be held in the several election precincts in each county for members of Congress in the several districts, members of the General Assembly for their respective counties and districts, County Surveyor, County Commissioners, where the County Commissioners are elected by the people, and in such counties as have one, a County Treasurer, and other officers whose terms are for two years. And on the said first Tuesday after the first Monday in November, in the year of our Lord one thousand nine hundred and six, and every four years thereafter, an election shall be held in each county for Clerk of the Superior Court, Register of Deeds, Sheriff and Coroner, and at such times an election shall be held in the several judicial districts for the office of Solicitor.

Rev., s. 4296; 1901, c. 89, s. 1; 1935, c. 362.

NOTE—The term of Register of Deeds was extended to four years by P. L. 1935, c. 362, and the terms of Sheriff and Coroner were extended to four years by Constitutional Amendment of 1938.

Sec. 6 (c. s. 5918). For township offices. On the first Tuesday after the first Monday in November, in the year of our Lord one thousand nine hundred and six, and every two years thereafter, an election shall be held in each township for the office of Constable, and also for Justices of the Peace in such counties as elect them by a vote of the people, and all other officers elected by a vote of the township.

Rev., s. 4297; 1901, c. 89, s. 2.

Sec. 7 (c. s. 5919). Special election for members of General Assembly. When a vacancy occurs in the General Assembly by death, resignation, or otherwise, it shall be the duty of the Chairman of the County Board of Elections, or of the Sheriff of the county in which the late member resided, provided the General Assembly shall not be in session, to notify the Governor of such vacancy, and in case the General Assembly shall be in session when such vacancy occurs, it shall be the duty of the presiding officer in the House in which the vacancy occurs, to notify the Governor of the same, who shall thereupon issue a writ of election to the chairman or chairmen of the district or county represented by the late member, said election to be held at such time as the Governor may designate, and in such manner as may be prescribed by law.

Rev., s. 4298; 1901, c. 89, s. 74.

Sec. 8 (c. s. 5920). For vacancies in State offices. Whenever any vacancies shall exist by reason of death, resignation, or otherwise, in any of the following offices, to-wit, Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney-General, Solicitor, Justices of the Supreme Court, Judges of Superior Court, or any other State officer elected by the people, the same shall be filled by elections, to be held in the manner and places and under the same regulations and rules as prescribed for general elections, at the next regular election for members of the General Assembly which shall occur more than thirty days after such vacancy, except as otherwise provided for in the Constitution.

Rev., s. 4299; 1901, c. 89, ss. 4, 73.

ART. 3. STATE BOARD OF ELECTIONS.

Section.

9. (C. S. 5921). State Board of Elections; Appointment; Term of Office.
10. (C. S. 5922). Meetings of Board; Vacancies; Pay.
11. (C. S. 5923). Duties of the State Board of Elections.

Sec. 9 (c. s. 5921). State Board of Elections; appointment; term of office. There shall be a State Board of Elections, consisting of five electors, whose terms of office shall begin on the first day of January, nineteen hundred and thirty-four, and continue for four years and until their successors are appointed and qualified. The Governor shall appoint the members of this Board and likewise shall appoint their successors every four years at the expiration of each four-year term. Not more than three members of said Board shall be of the same political party. The terms of the present members and officers of said Board shall continue until January first, nineteen hundred and thirty-four, or until their successors are appointed and qualified.

Sec. 10 (c. s. 5922). Meetings of Board; vacancies; pay. The State Board of Elections shall meet in Raleigh whenever the Chairman of said Board shall call such meetings as may be necessary to discharge the duties and functions imposed upon said Board by this Chapter at such times and places as he may appoint. At the first meeting held after the appointment of members for a new term, the members shall take the oath of office and the Board shall then organize by electing one of its members Chairman and another Secretary of said Board.

The Chairman of the State Board of Elections shall call a meeting of the Board upon the application in writing of any two members thereof, or if there be no Chairman, or if the Chairman does not call such meeting, any three members of said Board shall have power to call a meeting of the Board and any duties imposed or power conferred by this chapter may be performed or exercised at such meeting, although the time for performing or exercising the same prescribed by this chapter may have expired; and if at any meeting any member of said Board shall fail to attend, and by reason thereof there is a failure of a quorum, the members attending shall adjourn from day to day, for not more than three days, at the end of which time, if there should be no quorum, the Governor may remove the members so failing to attend summarily and appoint their successors.

Any vacancy occurring in the said Board shall be filled by the Governor, and the person so appointed shall fill the unexpired term.

The members of the Board shall receive in full compensation for their services four dollars per day for the time they are actually engaged in the discharge of their duties, together with their actual traveling expenses, and such other expenses as are necessary and incidental to the discharge of the duties imposed by this chapter.

Sec. 11 (c. s. 5923). Duties of the State Board of Elections. It shall be the duty of the State Board of Elections:

1. To appoint, in the manner provided by law, all members of the County Boards of Elections, and to advise such members of such Boards as to the proper methods of conducting primaries and elections.
2. To prepare rules, regulations and instructions for the conduct of primaries and elections.
3. To publish and furnish to the County Boards of Elections and other election officials, from time to time, a sufficient number of indexed copies of all election laws then in force.
4. To publish, issue and distribute such explanatory pamphlets as in the opinion of the Board should be issued to the electorate.

5. To furnish to the County Boards of Elections such registration and poll books, cards, blanks, instructions and forms as may be necessary for the registration of voters and holding elections in the respective counties.
6. To determine, in the manner provided by law, the forms of ballots, the forms of all blanks, instructions, poll books, tally sheets, abstract and return forms, and certificates of elections to be used in primaries and elections.
7. To prepare, print and distribute to the County Boards of Elections all ballots for use in any primary or election held in the State which the law provides shall be printed and furnished by the State to the counties, and to instruct the County Board of Elections as to the printing of their county and local ballots.
8. To certify to the several County Boards of Elections the names of such candidates for district offices who are required to file notice of candidacy with the State Board of Elections, but whose names are required to be printed on the County ballots.
9. To require such reports from the several County Boards and election officers as are provided by law, or as may be deemed necessary.
10. To compel the observance, by election officers in the counties, of the requirements of the election laws, and the State Board of Elections shall have the right to hear and act on complaints arising by petition or otherwise, on the failure or neglect of a county board of elections to comply with any part of the election laws pertaining to their duties thereunder. And the State Board of Elections shall have power to remove any member of a county board of elections for neglect or failure in his duties and to appoint a successor.
11. To investigate when necessary or advisable, the administration of election laws, frauds and irregularities in elections in any county, and to report violations of the election laws to the Attorney General or Solicitor of the district for further investigation and prosecution.
12. To tabulate the primary and election returns and to declare the results of same, and to prepare abstracts of the votes cast in each county in the State for such offices as is provided by law shall be tabulated by the State Board of Elections.
13. To keep a Minute Book showing a record of all proceedings and findings at each meeting of the State Board of Elections, which book shall be kept in the office of the State Board of Elections.
14. To make such recommendations to the Governor and Legislature relative to the conduct and administration of the primaries and the elections in the State as it may deem advisable.
15. To have the general supervision over the primaries and elections in the State and it shall have the authority to make such reasonable rules and regulations with respect to the conduct of primaries and elections as it may deem advisable, *provided* same shall not conflict with any provisions of the law.

In the performance of these enumerated duties, the Chairman of the State Board of Elections shall have the power to administer oaths, issue subpoenas, summon witnesses, compel the production of papers, books, records and other evidence; and to fix the time and place for hearing any matter relating to the administration and the enforcement of the election laws: *Provided, however,* the place of hearing shall be had in the county where the irregularities are alleged to have been committed.

ART 4. COUNTY BOARDS OF ELECTIONS.

Section.

12. (C. S. 5924). County Boards of Elections; Appointment; Term of Office and qualifications.
13. (C. S. 5925). Meetings of County Election Boards; Vacancies; Pay.
14. (C. S. 5926). Removal of Member of County Board of Elections.
15. (C. S. 5927). Duties of County Boards of Elections.

Sec. 12 (c. s. 5924). County Boards of Elections; appointments; term of office and qualifications. There shall be in every county in the State a County Board of Elections to consist of three persons of good moral character, who are electors in the county in which they are to act, who shall be appointed by the State Board of Elections on the tenth Saturday preceding each primary election, and whose terms of office shall continue for two years from the time of their appointment and until their successors are appointed and qualified. Not more than two members of the County Board of Elections shall belong to the same political party, and the State Chairman of each political party shall have the right to recommend three electors in each county for such offices, and it shall be the duty of the State Board of Elections to appoint said county board from the names thus recommended: *Provided*, that said Chairman shall recommend such persons on or before the tenth Saturday before the primary election is to be held.

No person shall serve as a member of the County Board of Elections who holds any elective public office or who is a candidate for any office in the primary or election.

Sec. 13 (c. s. 5925). Meetings of County Elections Boards; vacancies; pay. The County Board of Elections in each county in the State shall meet in their respective counties at the courthouse at noon on the seventh Saturday before each primary election, and a majority being present, they shall take the oath of office and shall then organize by electing one of its members Chairman and another member Secretary, and it may meet at such other times and places as the Chairman of said Board, or any two members thereof may direct, for the performance of such duties as required by law.

Vacancies in the membership of the County Boards of Elections shall be filled by the State Board of Elections and the persons so appointed shall fill the unexpired term.

The members of the County Board of Elections shall receive in full compensation for their services three dollars per day for the time they are actually engaged in the discharge of their duties, together with such other expenses as are necessary and incidental to the discharge of their duties.

Sec. 14 (c. s. 5926). Removal of member of County Board of Elections. The State Board of Elections shall have the power to remove from office any member of the County Board of Elections for incompetency, failure of duty, fraud, or for any other satisfactory cause. When any member of the County Board shall be removed by the State Board, the vacancy occurring shall be filled by the State Board of Elections; a vacancy occurring in the County Board of Elections for any other cause than removal by the State Board of Elections may be filled by either the Board or by the Chairman of the State Board of Elections, but the persons so appointed shall be of the same political party as his predecessor.

Sec. 15 (c. s. 5927). Duties of County Boards of Elections. The Boards of Elections within their respective jurisdictions by a majority vote shall exercise, in the manner herein provided, all powers granted to such Boards in this act, and shall perform all the duties imposed by law which shall include the following:

1. To establish, define, provide, rearrange and combine election precincts.
2. To fix and provide the places for registration, when required, and for holding primaries and elections.

3. To provide for the purchase, preservation and maintenance of booths, ballot boxes, books, maps, flags, blanks, cards of instructions, and other forms, papers and equipment as may be used in registration, nominations and elections.
4. To appoint and remove its clerk, assistant clerks, and employees, and all registrars, judges, clerks and other officers of elections, and to fill vacancies, and to designate the ward or district and precinct in which each shall serve.
5. To make and issue such rules, regulations and instructions, not inconsistent with law, or the rules established by the State Board of Elections as they may deem necessary for the guidance of election officers and voters.
6. To advertise and contract for the printing of ballots, and other supplies used in registrations and elections.
7. To provide for the issuance of all notices, advertisements, and publications concerning elections required by law.
8. To provide for the delivery of ballots, poll books and other required papers and materials to the polling places.
9. To cause the polling places to be suitably provided with stalls and other supplies required by law.
10. To investigate irregularities, non-performance of duties, or violations of laws by election officers and other persons; to administer oaths, issue subpoenas, summon witnesses, and compel the production of books, papers, records, and other evidence in connection with any such investigation; and to report the facts to the prosecuting attorney.
11. To review, examine and certify the sufficiency and validity of petitions and nomination papers.
12. To receive the returns of primaries and elections, canvass the returns, make abstracts thereof and transmit such abstracts to the proper authorities provided by law.
13. To issue certificates of election to county officers and members of the General Assembly, except State Senators in districts composed of more than one county.
14. To keep Minute Book of proceedings of Board.
15. To prepare and submit to the proper appropriating officers a budget estimating the cost of elections for the ensuing fiscal year.
16. To perform such other duties as may be prescribed by law or the rules of the State Board of Elections.

P. L. 1933, Chap. 165, Sec. 2.

ART. 5. PRECINCT ELECTION OFFICERS AND ELECTION PRECINCTS.

Section.

16. (C. S. 5928). Appointment of Registrars and Judges of Election; Qualifications.
17. (C. S. 5929). Names of Precinct Officers Published by Board.
18. (C. S. 5930). Vacancies in Precinct Offices; How Filled.
19. (C. S. 5931). Removal of Precinct Officers; Reasons for.
20. (C. S. 5932). Compensation of Precinct Officers.
21. (C. S. 5933). Duties of Registrars and Judges of Election.
22. (C. S. 5934). Election Precincts Established or Altered.
23. (C. S. 5935). New Registration of Voters or Revision of Registration Books; How Made.

Sec. 16 (c. s. 5928). Appointment of Registrars and Judges of Elections; qualifications. The County Boards of Elections, at the first meeting herein provided to be held on the seventh Saturday before each primary election, shall select one person of good repute who shall act as Registrar and two other persons of good repute who shall act as Judges of Election for each election precinct in the respective counties for both the ensuing primary and general election, whose terms of office shall continue for two years from the time of their appointment, or until their successors are appointed and qualified, and who shall conduct the primaries and elections within their respective precincts. Each Registrar and Judge of Election so appointed shall be able to read and write and they shall be residents of the precincts for which they are appointed. The Chairman of each political party in each county shall have the right to recommend from three to five electors in each precinct, who are residents of the precinct, and who shall be of good moral character and able to read and write, for appointment as Registrar and for Judges of Election in each precinct, and such appointments may be made from such names so recommended; *Provided*, such recommendations are made by the seventh Saturday before each primary election; *Provided, further*, that in any primary, when only one political party participates in such primary then all of the precinct officials selected for holding such primary shall be chosen only from such political party so participating. In a primary, where more than one political party participates, and in the general election, not more than one Judge of Election in each precinct shall be of the same political party with that of the Registrar. The County Boards of Elections shall also have the right to appoint assistants for such precincts where there are more than three hundred registered voters when deemed advisable. No person holding any office or place of trust or profit under the government of the United States, or of the State of North Carolina, or any political subdivision thereof, except Justices of the Peace, shall be eligible to appointment as an election official. No person who is a candidate shall be eligible to serve as a Registrar or Judge or assistant.

The Registrars, Judges and assistants shall, before entering upon their duties, have the oath of office administered to them by some officer authorized to administer oaths.

Sec. 17 (c. s. 5929). Names of precinct officers published by Board. The County Board of Elections shall, immediately after the appointment of the Registrars and Judges of Elections as herein provided, publish the names of the persons so appointed, at the courthouse door of said county, and shall notify each person appointed of his or her appointment, either by letter or by having a notice to be served upon said persons by the Sheriff.

Sec. 18 (c. s. 5930). Vacancies in precinct offices; how filled. If any Registrar or Judge of Election shall fail to perform the duties of his office, and for that, or for any other cause be removed from office, or shall die or resign, or if there shall for any other cause be a vacancy in said office, the Chairman of the County Board of Elections may appoint another in his place, of the same political party, and have such person or persons notified

of the appointment. If any person appointed Judge of Election shall fail to attend at the polls at the hour of opening the same, the Registrar of the township, ward or precinct shall appoint some suitable elector of the same political party as the Judge failing to attend, if practicable, to act in his stead, who shall be by him sworn before acting. If the Registrar shall fail to appear at the polls, then the Judges of Election may appoint another to act as Registrar, who shall also be sworn before acting.

Sec. 19 (c. s. 5931). Removal of precinct officers, reason for. The County Board of Elections shall have power to remove any Registrar or Judge of Elections appointed by it for incompetency, failure to discharge the duties of office, failure to qualify within the time prescribed by law, fraud or for any other satisfactory cause.

Sec. 20 (c. s. 5932). Compensation of precinct officers. Judges of Elections and assistants shall each receive for their services on the day of a primary or election the sum of four dollars. The Registrar shall receive the sum of five dollars per day for his services on the day of a primary or election, and shall also receive the sum of five dollars per day for each Saturday during the period of registration that he attends at the polling place for the purpose of registering voters, and said Registrars shall receive no other compensation whatsoever. Any person sworn in to act as Registrar or Judge of Election shall receive the same compensation as the Registrar and Judge: *Provided*, that markers appointed for assisting voters in marking their ballots shall not receive any compensation therefor.

1935, c. 421; 1939, c. 264.

Sec. 21 (c. s. 5933). Duties of Registrars and Judges of Election. The Registrars and Judges of Election shall perform such duties as is provided by law, which duties shall consist of:

1. The fair and impartial conduct of the primaries and elections within their respective precincts on the day of election.
2. The enforcement of peace and good order in and about the place of registration and voting. They shall especially keep the place of access of the electors to the polling place open and unobstructed, prevent and stop improper practices or attempts to obstruct, intimidate or interfere with any elector in registering or voting. They shall protect challengers and witnesses against molestation and violence in the performance of their duties, and may eject from the polling place any such challenger or witness for violation of any provisions of the election laws. They shall prevent riots, violence, tumult or disorder. In the discharge of these duties they may call upon the sheriff, police, or other peace officers to aid them in enforcing the law. They may order the arrest of any person violating any provision of the election law, but such arrest shall not prevent such person from registering or voting if he is entitled so to do. The sheriff, all constables, police officers and other officers of the peace, shall immediately obey and aid in the enforcement of any lawful order made by the precinct election officials in the enforcement of the election laws.
3. The Registrar shall have in his charge the actual registration of voters within his precinct and shall attend the polling place on the days required for the registration of new voters and for hearing challenges, but in the performance of these duties the Registrar shall be subject to the observance of such reasonable rules and regulations as the County Board of Elections may prescribe not inconsistent with the law.
4. The Registrar shall have charge of the registration book on the day of election or primary for passing on the registration of voters who present themselves at the polls for the purpose of voting.
5. One of the judges of election shall keep a poll book in which shall be entered the name of every person who shall vote in the primary or

election. The poll and registration books shall be signed by the Registrar and Judges of Election at the close of any primary or election and filed with the Chairman of the County Board of Elections.

6. The Registrars and Judges shall hear challenges on the right of electors to vote as provided by law.
7. The Registrars and Judges shall count the votes cast in their precinct and make such return of same as is required by law.
8. The precinct officers shall make such an accounting to the Chairman of the County Board of Elections for ballots and for election supplies as required by law.

Sec. 22 (c. s. 5934). Election precincts established or altered. The County Board of Elections may, in their respective counties, adopt the present election precincts, or they may establish new precincts, but the election precincts and polling places as now fixed in each county shall remain as they now are until altered. In the case of the alteration of the election precincts or polling places therein, they shall give twenty days notice thereof, prior to the beginning of the registration period, in some public journal, or in lieu thereof, in three public places in such county, and at the courthouse door. And the County Board of Elections shall have power from time to time, after dividing their counties into election precincts, to establish, alter, discontinue, or create such new election precincts in their respective counties as they may deem expedient, giving twenty days' notice thereof, prior to the beginning of registration period, by advertising in some public journal, or in lieu thereof, in three public places in such county, and at the courthouse door. If any polling place is changed in any precinct, like advertisement of such change shall be given. And there shall be at least one polling place in every township, conveniently located for a majority of the voters.

Sec. 23 (c. s. 5935). New registration of voters or revision of registration books; how made. (See page 53 for 1939 Amendment). The County Board of Elections shall have power from time to time to order a revision of the registration book of any precinct in any township and to order a new registration for any precinct; and if and when a new registration is ordered, notice shall be given as hereinbefore provided for the alteration of an election precinct or polling place: *Provided, however*, when a new registration or revision is ordered as herein provided for, the names of all persons who have been registered under the absentee voters' law shall remain upon the registration books unless the said persons so registered have died or otherwise become disqualified electors. The several County Boards of Elections shall have power to revise the registration books of any precinct and may require them to be purged of illegal or disqualified voters, after notice to such voters as herein directed. When an order for revision is made by said County Board of Elections, it shall be directed to the Registrar and Judges of Election of the precinct to which it relates, directing said officials to meet at the polling place on the first Saturday for the registration of voters, before any primary or general election, and to prepare from the registration books a list of the names of registered voters, with their names and addresses as appearing on the registration books, who are, in the opinion of said precinct officials, dead or disqualified by removal from said precinct or county for the length of time prescribed by law to be disqualified to vote in that particular precinct. When such list is prepared it shall, within forty-eight hours, be delivered to the Chairman of the County Board of Elections, who shall cause to be mailed to each of the names on said list, at his or her address as shown on said list, a notice requiring such person to appear at the polling place for the precinct in which they are registered, on the Saturday prescribed for hearing challenges, and show that they are legally entitled to vote in that particular precinct, or in lieu of a personal appearance at the precinct on the day named for hearing challenges, such person may

furnish such satisfactory evidence by mail or otherwise, that he or she is qualified to vote in said precinct. Upon failure of such person to make such personal appearance on challenge day, or upon failure of such person to offer satisfactory evidence that he or she is qualified and entitled to vote in said precinct in the approaching primary or general election, their names shall be stricken off the registration book. After due investigation, such precinct officers shall strike from the registration book the names of all such persons found by them to be dead or disqualified to vote by removal from the precinct for such time as prescribed by law shall disqualify them from voting in such precinct.

However, in the event that any person, whose name has been removed from the registration book by said County Board of Elections as having been disqualified to vote in that precinct, should appear at the polling place on election day and give satisfactory evidence to the Registrar and Judges that he had never received any notice by mail or otherwise of his name being placed among the list of disqualified voters in that precinct, and can satisfy said officials that he is qualified to vote in that precinct, then such person's name shall be placed back on the registration book and he shall be allowed to vote in said precinct as before.

P. L. 1933, Chap. 165, Sec. 3; 1939, c. 263.

NOTE: See page 53 for amendment to this Section by Chapter 263, P. L. 1939.

ART. 6. QUALIFICATION OF VOTERS.

Section.

- 24. (C. S. 5936). Persons Excluded from Electoral Franchise.
- 25. (C. S. 5937). Qualification of Electors; Rules for Determining Residence.
- 26. (C. S. 5937-a). Provision for Voting of Women.
- 27. (C. S. 5938). Registration a Prerequisite.

Sec. 24 (c. s. 5936). Persons excluded from electoral franchise. The following classes of persons shall not be allowed to register or vote in this State, to-wit: First, persons under twenty-one years of age; second, idiots and lunatics; third, persons who have been convicted or confessed their guilt in open court, upon indictment, of any crime the punishment of which is now, or may hereafter be, imprisonment in the State's Prison, unless such person shall have been restored to citizenship in the manner prescribed by law.

Rev., s. 4315; 1901, c. 89, s. 14.

Sec. 25 (c. s. 5937). Qualifications of electors: Rules for determining residence. Subject to the exceptions contained in the preceding section, every person who has been naturalized, and who shall have resided in the State of North Carolina for one year and in the precinct, ward, or other election district in which he offers to vote, four months next preceding the election shall, if otherwise qualified as prescribed in this chapter, be a qualified elector in the precinct, or ward, or township in which he resides: *Provided*, that removal from one precinct, ward, or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward, or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law.

Rev., s. 4316; 1901, c. 89, s. 15; 19th amendt. U. S. Const.; amendt. State Const.. 1920; 1920 (Ex. Sess.), c. 18, s. 1.

All Registrars and Judges of Elections, in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply:

- a. That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning.
- b. A person shall not be considered to have lost his residence who leaves his home and goes into another State or County of this State, for temporary purposes only, with the intention of returning.
- c. A person shall not be considered to have gained a residence in any county of this State, into which he comes for temporary purposes only, without the intention of making such county his permanent place of abode.
- d. The place where the family of a married man or woman resides shall be considered and held to be his or her place of residence; except that where the husband and wife have separated and live apart, the place where he or she resides the length of time required by the provisions of this act to entitle a person to vote, shall be considered and held to be his or her residence.
- e. If a person remove to another State or County within this State, with the intention of making such State or county his permanent residence, he shall be considered to have lost his residence in the State or county from which he has removed.

- f. If a person remove to another State or county within this State, with the intention of remaining there an indefinite time and making such State or county his place of residence, he shall be considered to have lost his place of residence in this State or county from which he has removed, notwithstanding, he may entertain an intention to return at some future time.
- g. School teachers who remove to a county for the purpose only of teaching in the schools of that county temporarily and with the intention or expectation of returning to the county of their parents or other relatives during the vacation period to live, and who do not have the intention of becoming residents of the county in which they have moved to teach, shall be considered residents of that county of their parents or other relatives for the purpose of voting.
- h. If a person remove to the District of Columbia, or other Federal territory, to engage in the government service, he shall not be considered to have lost his residence in this State during the period of such service, and the place where such person resided at the time of his removal shall be considered and held to be his place of residence. This rule shall also apply to employees of the State Government who remove from one county to another within the State, unless a contrary intention is shown by such employee.
- i. If a person goes into another State or county, and while there exercises the right of a citizen by voting in an election, he shall be considered to have lost his residence in this State or county.
- j. All questions of the right to vote shall, except as otherwise provided herein, be heard and determined by the Registrar and Judges of Election in the precinct where the question arose.

Sec. 26 (c. s. 5937-a). Provisions for voting of women. Nothing in any of the laws of North Carolina shall be so construed as to prevent the registration and voting of women twenty-one years of age and having the other qualifications for registration and voting as provided for men. For the purpose of the registration and voting of women, the residence of a married woman living with her husband shall be where her husband resides, and of a woman living separate and apart from her husband, or where for any reason her husband has no legal residence in this State, then the residence of such woman shall be where she actually resides.

1920 (Ex. Sess.), c. 18. ss. 3, 4.

Sec. 27 (c. s. 5938). Registration a prerequisite. Only such persons as are registered shall be entitled to vote in any election held under this chapter.

Rev., s. 4317; 1901, c. 89, s. 12.

P. L. 1933, Chap. 165, Sec. 4.

ART. 7. REGISTRATION OF VOTERS.

Section.

- 28. (C. S. 5939). Voter must be Able to Read and Write; Exceptions.
- 29. (C. S. 5940). Qualifications as to Residence for Voters; Oath to be taken.
- 30. (C. S. 5946). When person can Register on Election Day.
- 31. (C. S. 5947). Time When Registration Books Shall be Opened and Closed. Oath and Duty of Registrar.
- 32. (C. S. 5948). Registration Books Deposited with Clerk of the Superior Court.

Sec. 28 (c. s. 5939). Voter must be able to read and write; exceptions. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language, and shall show to the satisfaction of the registrar his ability to read and write any such section when he applies for registration, and before he is registered: *Provided, however,* that no male person who was, on January first, one thousand eight hundred and sixty-seven, or at any time prior thereto, entitled to vote under the laws of any state in the United States where he then resided, and no lineal descendant of such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualification aforesaid: *Provided,* that said elector shall have registered prior to December 1st, 1908, in accordance with article six, section four, of the Constitution and the laws made in pursuance thereto.

Rev., s. 4318; 1901, c. 89, s. 12; 1927, c. 260, s. 3.

Sec. 29 (c. s. 5940). Qualification as to residence for voters; oath to be taken. In all cases the applicant for registration shall be sworn before being registered, and shall state as accurately as possible his name, age, place of birth, place of residence, stating ward if he resides in an incorporated town or city, and any other questions which may be material upon the question of identity and qualification of the said applicant to be admitted to registration. If the applicant has removed from another precinct, ward or election district in the same city, town or township since his last registration, such applicant shall, before being allowed to register, present to the registrar a written certificate signed by the registrar of the precinct, ward or election district from which he has so removed, showing that the applicant's name has been removed from the registration book of such precinct, ward or election district, and that he is no longer a registered voter therein. The registrar, if in doubt as to the right of the applicant to register, may require other evidence satisfactory to him as to qualification of the applicant. And thereupon, if the applicant shall be found to be duly qualified and entitled to be registered as an elector, the registrar shall register the applicant, giving his race opposite his name, and shall record his name, age, residence, place of birth, and the township, county, and state from whence he has removed, in the event of a removal, in the appropriate column of the registration books, and the registration books containing the said record shall be evidence against the applicant in any court of law in a proceeding for false or fraudulent registration. Every person qualified as an elector shall take the following oath:

I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the State of North Carolina not inconsistent therewith; that I have been a resident of the State of North Carolina for one year, and of the..... township (precinct or ward) for four months; or that I was a resident of..... township (ward or precinct) on the..... day of..... (being four months preceding the election) and removed therefrom to..... township (ward or precinct), where I have since resided; that I am twenty-one years of age; that I have not registered for this election in any other ward or precinct or township. So help me, God.

And thereupon the said person, if otherwise qualified, shall be entitled to register.

Rev., s. 4319; 1901, c. 89, s. 12; amendt. State Const., 1920; 1933; c. 165, s. 5.

NOTE—Sections 5941, 5942, 5943, 5944, and 5945 are obsolete, and therefore not printed.

Sec. 30 (c. s. 5946). When person can register on election day. No registration shall be allowed on the day of election, but if any person shall give satisfactory evidence to the registrar and judges of election that he has become qualified to register and vote after the time for registration has expired, he shall be allowed to register on that date.

Rev., s. 4322; 1901, c. 89, s. 21.

Sec. 31 (c. s. 5947). Time when registration books shall be opened and closed. The registration books shall be opened for the registration of voters at nine o'clock a. m. on the fourth Saturday before each election. The said books shall be closed at sunset on the second Saturday before each election.

Oath and duty of registrar. Every registrar, before entering upon the discharge of the duties of his office, shall take an oath before a justice of the peace or some other person authorized to administer oaths, that he will support the Constitution of the United States and the Constitution of North Carolina not inconsistent therewith, and that he will honestly and impartially discharge his duties as registrar, and honestly and fairly conduct such election. The registrar of each township, ward or precinct shall be furnished with a registration book prepared as hereinbefore provided, and it shall be his duty, between the hours of nine o'clock a. m. and sunset on each day during the period when registration books are open, to keep open said books for the registration of any voters residing within such township, ward or precinct, and entitled to registration. On each Saturday during the period of registration the registrar shall attend with his registration books at the polling place of his precinct or ward, between the hours of nine o'clock a. m. and sunset, for the registration of voters.

Rev., s. 4323; 1901, c. 89, s. 18; 1923, c. 111, s. 3.

Sec. 32 (c. s. 5948). Registration books deposited with clerk of the Superior Court. (Repealed).

Rev., s. 4324; 1901, c. 89, s. 25; 1923, c. 111, s. 4; 1939, c. 263, s. 3½.

NOTE: This Section was repealed by Sec. 3½ of Chap. 263, P. L. 1939, which leaves custody of registration and poll books with Chairman of the County Board of Elections. See Act on page 53.

ART. 8. PERMANENT REGISTRATION.

Since this Article of the Consolidated Statutes, being sections 5949 to 5959 inclusive, is only applicable to those electors of this State who are registered in a permanent registration, made prior to December 1st, 1908, and who cannot read and write sufficiently to pass the Constitutional test of ability to read and write any section of the Constitution in the English language, it is thought that it will cause less confusion and misunderstanding to the ones using this pamphlet by not printing the provisions of this Article herein. There is seldom any occasion for an election official to have to refer to this Article.

P. L. 1933, Chap. 165, Sec. 6..

ART. 9. ABSENT ELECTORS.

(Repealed by Chapter 159, P. L. 1939—See New Act on page 35.)

ART. 10. CHALLENGES.

Section.

33. (C. S. 5972). Registrar to Attend Polling Places for Challenges.

34. (C. S. 5973). How Challenges Heard.

35. (C. S. 5974). Challenge as Felon; Answer not Used on Prosecution.

Sec. 33 (c. s. 5972). Registrar to attend polling places for challenges. It shall be the duty of the registrar to attend the polling place of his township or precinct with the registration books on Saturday preceding the election, from the hour of nine o'clock a.m. till the hour of three o'clock p.m., when and where the said books shall be open for the inspection of the electors of the precinct or township, and any of said electors shall be allowed to object to the name of any person appearing on said books. In case of any such objection, the registrar shall enter upon his books, opposite the name of the person so objected to, the word "Challenged," and shall appoint a time and place, before the election day, when he, together with said judges, shall hear and decide said objection, giving personal notice of such challenge to the voter so objected to; and if for any cause personal notice cannot be given, then it shall be sufficient notice to leave a copy thereof at his residence: *Provided*, nothing in this section shall prohibit any elector from challenging or objecting to the name of any person registered or offering to register at any time other than that above specified. If any person so challenged or objected to shall be found not duly qualified, the registrar shall erase his name from the books.

Rev., s. 4339; 1901, c. 89, s. 19.

Sec. 34 (c. s. 5973). How challenges heard. When any person is challenged, the judges and registrar shall explain to him the qualifications of an elector, and shall examine him as to his qualifications; and if the person insists that he is qualified and shall prove his identity with the person in whose name he offers to vote, and his continued residence in the precinct since his name was placed upon the registration list, as the case may be, by the testimony, under oath, of at least one elector, one of the judges or the registrar shall tender to him the following oath or affirmation:

You do solemnly swear (or affirm) that you are a citizen of the United States; that you are twenty-one years old, and that you have resided in this State for one year, and in this township (precinct or ward) for four months next preceding this election, and that you are not disqualified from voting by the Constitution and laws of this State; that your name is (here insert name given), and that in such name you were duly registered as a voter of this township; and that you are the identical person you represent yourself to be, and that you have not voted in this election at this or any other polling place: So help me, God.

And if he refuses to take such oath, when tendered, his vote shall be rejected; if, however, he does take the oath when tendered, his vote shall be received: *Provided*, that after such oath or affirmation shall have been taken, the registrar and judges may, nevertheless refuse to permit such person to vote, unless they be satisfied that he is a legal voter; and they are hereby authorized to administer the necessary oaths or affirmations to all witnesses brought before them to testify to the qualification of a person offering to vote. Whenever any person's vote shall be received, after having taken the oath or affirmation prescribed in this section, the registrar or one of the judges shall write on the poll books, at the end of such person's name, the word "Sworn." The same powers as to the administration of oaths and affirmations and the examination of witnesses as in this section granted to registrars and judges of election may be exercised by the registrars in all cases where the names of persons registered or offering to register are objected to.

Rev., s. 4340; 1901, c. 89, s. 22; Amendt. State Const., 1920.

Sec. 35 (c. s. 5974). Challenge as felon; answer not used on prosecution. If any person is challenged as being convicted of any crime which excludes him from the right of suffrage, he shall be required to answer any question in relation to such alleged conviction; but his answer to such questions shall not be used against him in any criminal prosecution.

Rev., s. 3388; 1901, c. 89, s. 71.

ART. 11. CONDUCT OF ELECTIONS.

Section.

- 36. (C. S. 5975). Special Elections.
- 37. (C. S. 5977). Power of Election Officers to Maintain Order.
- 38. (C. S. 5977-a). Assault or Threats on Election Officers Felony.
- 39. (C. S. 5979). Voter May Deposit His Own Ballot.

Sec. 36 (c. s. 5975). Special elections. Every election held in pursuance of a writ from the Governor shall be conducted in like manner as the regular biennial elections, so far as the particular case can be governed by general rules, and shall, to all intents and purposes, be as legal and valid, and subject the officers holding and the persons elected to the same penalties and liabilities as if the same had been held at a time and according to the rules and regulations prescribed for the regular biennial elections.

Rev., s. 4341; 1901, c. 89, s. 75.

Sec. 37 (c. s. 5977). Power of election officers to maintain order. The registrar and judges of election in each ward or precinct, the board of county canvassers of each county, and the board of State Canvassers shall respectively possess full power and authority to maintain order and to enforce obedience to their lawful commands during their sessions, respectively, and shall be constituted inferior courts for that purpose, and if any person shall refuse to obey the lawful commands of any such registrar or judges of election, or board of county canvassers, or Board of State Canvassers, or by disorderly conduct in their hearing or presence shall interrupt or disturb their proceedings, they may, by an order in writing, signed by their chairman and attested by their clerk, commit the person so offending to the common jail of the county for a period not exceeding thirty days, and such order shall be executed by any sheriff or constable to whom the same shall be delivered, or if a sheriff or constable shall not be present, or shall refuse to act, by any other person who shall be deputed by such township or precinct board of elections, or board of county canvassers, in writing, and the keeper of such jail shall receive the person so committed and safely keep him for such time as shall be mentioned in the commitment.

Rev., s. 4376; 1901, c. 89, s. 72.

Sec. 38 (c. s. 5977-a). Assaults or Threats on Election officer Felony. Any person who assaults any registrar, judge or other election officer, while in the discharge of his duties, in any general, special, or primary election in the State, shall be guilty of a felony, and upon conviction shall be punished by imprisonment in the State's Prison or be worked on the county roads for a period of not less than four months nor more than ten years. If any person shall by threats, menaces, or in any other manner intimidate, or attempt to intimidate, any registrar, judge or other election officer in the State in the discharge of the duties of his office, in any general, special, or primary election in the State, he shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned in the discretion of the court.

1921, c. 176.

Sec. 39 (c. s. 5979). Voter may deposit his own ballot. The ballot may be deposited for the voter by the registrar, or one of the judges of election, or the voter may deposit it if he chooses.

Rev., s. 4343; 1901, c. 89, s. 24.

ART. 12. COUNTING OF BALLOTS; PRECINCT RETURNS; CANVASS OF VOTES AND PREPARATION OF ABSTRACTS; CERTIFICATION OF RESULTS BY COUNTY BOARD OF ELECTIONS.

Section.

40. (C. S. 5984). Proceedings When Polls Close: Counting of Ballots.
41. (C. S. 5985). How Precinct Returns are to be Made and Canvassed.
42. (C. S. 5986). County Board of Elections to Canvass Returns and Declare Results.
43. (C. S. 5987). What Returns Placed on Same Abstract.
44. (C. S. 5988). Preparation of Original Abstracts; Where Filed.
45. (C. S. 5989). County Election Board to Prepare Duplicate Abstracts to be sent to State Board of Elections; Penalty.
46. (C. S. 5990). Clerk of Superior Court to Send Statement of Votes to Secretary of State in General Election; Penalty.
47. (C. S. 5991). Who Declared Elected by County Board; Proclamation of Result.
48. (C. S. 5992). Chairman of County Board of Elections to Furnish County Officers Certificate of Election.

Sec. 40 (c. s. 5984). Proceedings when polls close; counting of ballots. At the time for closing the polls the Registrar shall announce that the polls are closed, but any qualified electors who are in the process of voting, or are in line within the voting enclosure waiting to vote, shall be allowed to vote before the polls close. After the polls are closed the Registrar shall then proceed to open one ballot box at a time for the purpose of counting the ballots in that box in the presence of all election officials, witnesses and watchers, if there are any present.

The counting of ballots shall be conducted as follows: One of the ballots shall be taken out of the ballot box by one of the Judges and opened in full view of all the Judges and witnesses. If the Judges and Registrar all agree as to how the ballot shall be counted, one of them shall place it where it can be seen by any one present and shall read aloud distinctly the names of the candidates voted for and the vote on any issue submitted; and the tally-man shall tally the same directly on the tally sheets. In the event the Registrar and Judges cannot agree as to how the ballot shall be counted, such ballot shall not be counted, but shall be placed in an envelope and marked "Disputed Ballots" and returned to the County Board of Elections.

No ballot shall be counted which is marked contrary to law, except that no ballot shall be rejected for any technical error unless it is impossible to determine the voter's choice.

The counting of ballots shall be continuous until completed. From the time the ballot box is opened and the count of votes begun, until the votes are counted and returns are made out, signed and certified as herein required, and given to the presiding Judge or Registrar for delivery to the County Board as required herein, the Registrar and Judges of Election in each precinct shall not separate, nor shall a Registrar or Judge leave the polling place except from unavoidable necessity. In case of illness or unavoidable necessity, the Board of Elections may substitute another qualified person for any precinct official so incapacitated.

Sec. 41 (c. s. 5985). How precinct returns are to be made and canvassed. When the results of the counting of the ballots have been ascertained, such results shall be embodied in a duplicate statement to be prepared by the Registrar and Judges on forms provided by the County Board of Elections and certified to by said officers. One of the statements of the voting in the precinct shall be placed in a sealed envelope and delivered to the Registrar or Judge selected by them for the purpose of delivery to the County Board of Elections, at its meeting to be held on the second day after the election or primary. The other duplicate statement shall be

mailed by one of the other precinct election officers to the chairman of the County Board of Elections immediately.

The County Board of Elections shall meet on the second day next after every primary or election, at eleven o'clock a. m. of that day, at the courthouse of the county, for the purpose of canvassing the votes cast in the county and the preparation of the county abstracts. Any Registrar or Judge appointed to deliver the certified precinct returns who shall fail to deliver those returns at the meeting of the County Board or Elections by twelve o'clock a. m. on the day of such Board meeting shall be guilty of a misdemeanor, unless for illness or good cause shown for such failure. In the event any precinct returns have not been received by the County Board by twelve o'clock M. on the first day of its meeting, or if any returns are incomplete or defective, it shall have authority to dispatch an officer to the residence of such precinct officials for the purpose of securing the proper returns for such precinct.

Sec. 42 (c. s. 5986). County Board of Elections to canvass returns and declare results. The County Board of Elections at their said meeting required to be held on the second day after every primary or election, in the presence of such electors as choose to attend, shall open the returns and canvass and judicially determine the results of the voting in the respective counties, stating the number of legal ballots cast in each precinct for each candidate, the name of each person voted for and the political party with which he affiliated, and the number of votes given to each person for each different office, and shall sign the same. The said County Board of Elections shall have the power and authority to judicially pass upon all facts relative to the election, and judicially determine and declare the result of the same. And they shall have power and authority to send for papers and persons and examine the same, and to pass upon the legality of any disputed ballots transmitted to them by any precinct officer.

Sec. 43 (c. s. 5987). What returns placed on same abstract. The abstract of votes for each of the following classes of officers shall be made on a different sheet:

1. President and Vice-President.
2. Governor and all State officers; Justices of the Supreme Court; Judges of Superior Court; and United States Senator.
3. Representatives in Congress.
4. Solicitor.
5. Senators and Representatives of the General Assembly.
6. County officers.
7. Township officers.

Sec. 44 (c. s. 5988). Preparation of original abstracts; where filed. When the canvass has been completed, the County Board of Elections shall prepare on forms furnished by the State original statements of the results showing:

1. Upon a single sheet an abstract of votes for President and Vice-President of the United States, when a Presidential election is held.
2. Upon another sheet an abstract of votes for Governor, and all State officers, Judges of the Supreme Court, Judges of the Superior Court and United States Senator.
3. Upon another sheet an abstract of votes for Representatives to Congress.
4. Upon another sheet an abstract of votes for Solicitor.
5. Upon another sheet an abstract of votes for State Senators and Representatives in the General Assembly.
6. Upon another sheet an abstract of votes for County officers.

7. Upon another sheet an abstract of votes for Township officers for each township in the county.
8. Upon another sheet an abstract of votes for all constitutional amendments and propositions submitted to the people. Each of these abstracts shall be so prepared as to show the total number of votes cast for each candidate of each political party for each office in each precinct in the county.

Each of the original abstracts shall be signed by the members of the County Board of Elections with their certificate as to their correctness, and each of the original abstracts together with the original precinct returns shall be filed with the Clerk of the Superior Court to be recorded in the permanent file in his office.

Sec. 45 (c. s. 5989). County Elections Board to prepare duplicate abstracts to be sent to State Board of Elections; penalty. When the County Boards of Elections shall have completed the original abstracts, they shall also prepare separate duplicate abstracts for all offices for which the State Board of Elections is required to canvass the votes and declare the results, which shall include the following: For President and Vice-President; for State officers and United States Senator; for Representatives to Congress; for Solicitors; and for State Senators in Senatorial Districts composed of more than one county; and for amendments and propositions submitted.

When said duplicate abstracts shall have been prepared, the County Board of Elections shall sign an affidavit on each abstract that they are true and correct; then the Chairman of said Board shall mail said duplicate abstracts, within five days after the primary or election is held, to the Chairman of the State Board of Elections at Raleigh, so that said abstracts shall be received by the Chairman of the State Board of Elections within one week after the primary or election.

The Chairman of the County Board of Elections, failing or neglecting to transmit said abstracts to the Chairman of the State Board of Elections within the time above prescribed shall be guilty of a misdemeanor and subject to a fine of one thousand dollars: *Provided*, that the penalty herein prescribed shall not apply where said aforesaid officer was prevented from performing the duties herein prescribed because of sickness or other unavoidable delay, but the burden of proof shall be on such officer to show that his failure to perform his said duties was due to sickness or unavoidable delay.

Sec. 46 (c. s. 5990). Clerk of Superior Court to send statement of votes to Secretary of State in general election. In a general election, the Clerk of the Superior Court shall, within two days after the original abstracts are filed in his office by the County Board of Elections, certify under his official seal to the Secretary of State, upon blanks furnished to him by the State for that purpose, a statement of the votes cast in his county for all National, State and District officers, and for and against Constitutional Amendments and Propositions submitted to the people. The Clerk of the Superior Court shall at the same time also certify under his official seal to the Secretary of State a list of all the persons voted for as members of the State Senate and House of Representatives and all county officers, together with the votes cast for each and their postoffice address.

The Clerk of the Superior Court, failing or neglecting to transmit these returns to the Secretary of State within the time herein provided, shall be subject to a fine of five hundred dollars and be guilty of a misdemeanor: *Provided*, that the penalty herein prescribed shall not apply where the aforesaid officer was prevented from performing the duties herein prescribed because of sickness or other unavoidable delay, but the burden of proof shall be on such officer to show that his failure to perform his said duties was due to sickness or unavoidable delay.

Sec. 47 (c. s. 5991). Who declared elected by county board; proclamation of result. In the general election, the person having the greatest

number of legal votes for a county or township office, or for the House of Representatives, or for the State Senate in a district composed of only one county, shall be declared elected by the County Board of Elections. But, if two or more county candidates, having the greatest number of votes, shall have an equal number the County Board of Elections shall determine which shall be elected.

When the County Board of Elections shall have completed the canvass, they shall judicially determine the result of the election in their county for all persons voted for, and proclaim the same at the courthouse door with the number of votes cast for each.

Sec. 48 (c. s. 5992). Chairman of County Board of Elections to furnish county officers certificate of election. The Chairman of the County Board of Elections of each county shall furnish, within ten days, the member or members elected to the House of Representatives and the county officers, a certificate of election under his hand and seal. He shall also immediately notify all persons elected to the county offices to meet at the courthouse on the first Monday in the ensuing December to be qualified.

P. L. 1933, Chap. 165, Sec. 8.

ART. 13. CANVASS OF RETURNS FOR HIGHER OFFICES AND PREPARATION OF STATE ABSTRACTS.

Section.

49. (C. S. 5993). State Board of Elections to Canvass Returns for Higher Offices.
50. (C. S. 5994). Meeting of State Board of Elections to Canvass Returns of the Election.
51. (C. S. 5995). Meeting of State Board of Elections to Canvass Returns of a Special Election for Congressman.
52. (C. S. 5996). Board to Prepare Abstracts and Declare Results of Elections.
53. (C. S. 5997). Results Certified to the Secretary of State; Certificate of Election Issued.
54. (C. S. 5998). Secretary of State to Record Abstracts.

Sec. 49 (c. s. 5993). State Board of Elections to canvass returns for higher offices. The State Board of Elections shall constitute the legal canvassing board for the State of all National, State and District offices, including the office of State Senator in those districts consisting of more than one county. No member of the State Board of Elections shall take part in canvassing the votes for any office for which he himself is a candidate.

Sec. 50 (c. s. 5994). Meeting of State Board of Elections to canvass returns of the election. The State Board of Elections shall meet in the city of Raleigh on the Tuesday following the third Monday after each general election held in this State under the provisions of this chapter, in the Hall of the House of Representatives, at eleven o'clock a. m. for the purpose of canvassing the votes cast in all the counties of the State for all National, State and District officers and to determine whom they ascertain and declare by the count to be elected to the respective offices, and shall prepare abstracts of same as hereinafter provided. At this meeting, the Board shall examine the county abstracts, if they shall have been received from all of the counties, and if all have not been they may adjourn, not exceeding ten days for the purpose of obtaining the abstracts and returns from the missing counties, and when they have all been received the Board shall proceed with the canvass, which shall be conducted publicly in the Hall of the House of Representatives. In obtaining the abstracts from the counties whose abstracts have not been received by the date of this meeting, the Board is authorized to obtain from the Clerk of the Superior Court or the County Board of Elections, at the expense of such counties, the original abstracts or returns, or if they have been forwarded, copies of them. The State Board of Elections shall be authorized to enforce the penalties provided by law for the failure of a Clerk of a Superior Court or a Chairman of the County Board of Elections to comply with the law in making their returns of an election.

Sec. 51 (c. s. 5995). Meeting of State Board of Elections to canvass returns of a special election for Congressmen. In all cases of special elections ordered by the Governor to fill vacancies in the representation of the State in Congress as provided for in C. S. six thousand and seven, the State Board of Elections may meet as soon as the chairman of said Board shall have received returns from all of the counties entitled to vote in said special elections for the purpose of canvassing the returns of said special election and for preparing an abstract of same. It shall be the duty of the Chairman of the State Board of Elections to fix the day of meeting which shall not be later than ten days after such elections, and it shall be the duty of all returning officers to make their returns promptly so that the same may be received within the ten days.

Sec. 52 (c. s. 5996). Board to prepare abstracts and declare results of elections. The State Board of Elections, at the conclusion of its canvass of the general election, shall cause to be prepared the following abstracts:

1. Upon a single sheet an abstract of votes for President and Vice-President of the United States when an election is held for same.

2. Upon another sheet an abstract of votes for Governor and all State officers, Justices of the Supreme Court, Judges of the Superior Court, and United States Senators.
3. Upon another sheet an abstract of votes for Representatives to Congress for the several Congressional Districts in the State.
4. Upon another sheet an abstract of votes for Solicitor in the several judicial districts of the State.
5. Upon another sheet an abstract of votes for State Senators in the several Senatorial Districts in the State, where such districts are composed of more than one county.
6. Upon another sheet an abstract of votes for and against any Constitutional Amendments or Propositions submitted to the people.

These abstracts so prepared by said Board shall state the number of legal ballots cast for each candidate, the names of all persons voted for, for what office they respectively received the votes, the number of votes each receive, and whom said Board shall ascertain and judicially determine and declare by the count to be elected to the office. These abstracts shall be signed by the State Board of Elections in their official capacity and have the Great Seal of the State affixed thereto.

Sec. 53 (c. s. 5997). Results certified to the Secretary of State; certificate of election issued. After the State Board of Elections shall have ascertained the result of the election as hereinbefore provided, they shall cause the result to be certified to the Secretary of State; who shall prepare a certificate for each person elected, and shall sign the same, which certificate he shall deliver to the person elected, when he shall demand the same.

The State Board of Elections shall also file with the Secretary of State the original abstracts prepared by it, also the original county abstracts to be filed in his office.

Sec. 54 (c. s. 5998). Secretary of State to record abstracts. The Secretary of State shall record the abstracts filed with him by the State Board of Elections in a book to be kept by him for recording the results of elections and to be called the Election Book, and shall also file the county abstracts.

P. L. 1933, Chap. 165, Sec. 9.

ART. 14. STATE OFFICERS, SENATORS AND CONGRESSMEN.

Section.

- 55. (C. S. 5999). Contested Elections, How Tie Broken.
- 56. (C. S. 6001). Regular Elections for United States Senators.
- 57. (C. S. 6002). Election of United States Senators to Fill Unexpired Term.
- 58. (C. S. 6003). Governor to Fill Vacancies Until General Election.
- 59. (C. S. 6004). Congressional Districts Specified.
- 60. (C. S. 6005). When Election for Congressmen Held.
- 61. (C. S. 6006). Election After Reapportionment of Congressmen.
- 62. (C. S. 6007). Special Election for Congressmen.
- 63. (C. S. 6008). Certificate of Election for Congressmen.

Sec. 55 (c. s. 5999). Contested elections—how tie broken. The person having the highest number of votes for each office respectively, shall be declared duly elected thereto by the State Board of Elections, but if two or more be equal and highest in votes for the said office, then one of them shall be chosen by joint ballot of both houses of the General Assembly. In contested elections, the State Board of Elections shall certify to the Speaker of the House of Representatives a statement of such facts as the board has relative thereto and such contests shall be determined by joint vote of both houses of the General Assembly in the same manner and under the same rules as prescribed in cases of contested elections for members of the General Assembly.

Rev., s. 4363; 1901, c. 89, s. 44; 1915; c. 121, s. 1; 1927; c. 260, s. 14.

Rev., s. 4364; 1901, c. 89, s. 45; 1915, c. 121, s. 1; 1927, c. 260, s. 15; 1933, c. 165, s. 10.

Sec. 56 (c. s. 6001). Regular elections for United States senators. United States senators to fill vacancies caused by the expirations of regular terms shall be elected by the people at the last regular election before each vacancy shall occur, as now provided for State officers, and the tickets shall be furnished, blanks sent out and returns made as for State officers, and the returns canvassed and results declared in the same way.

1913, c. 114, s. 3.

Sec. 57 (c. s. 6002). Election of United States senators to fill unexpired term. If such vacancy shall occur more than thirty days before any general State election, the Governor shall issue his writ for the election by the people, at the next general election, of a senator to fill the unexpired part of the term, and said election shall take effect from the date of the canvassing of the returns, which shall take place at the same time and in the same way as the canvassing of the returns for State officers.

1913, c. 114, s. 2.

Sec. 58 (c. s. 6003). Governor to fill vacancies until general election. Whenever there shall be a vacancy in the office of United States senator from this State caused by death, resignation, or otherwise than by expiration of a term, the governor shall appoint to fill the vacancy till there shall be an election.

1913, c. 114, s. 1; 1927, c. 50; 1929, c. 12.

Sec. 59 (c. s. 6004). Congressional Districts specified. For the purpose of selecting representatives to the Congress of the United States, the State of North Carolina shall be divided into eleven (11) districts as follows:

First District: Camden, Chowan, Currituck, Beaufort, Dare, Gates, Hertford, Perquimans, Pitt, Pasquotank, Hyde, Tyrrell, Martin, and Washington counties.

Second District: Bertie, Edgecombe, Greene, Halifax, Lenoir, Northampton, Warren, and Wilson counties.

Third District: Craven, Duplin, Jones, Onslow, Pender, Pamlico, Sampson, Wayne, and Carteret counties.

Fourth District: Chatham, Franklin, Johnston, Nash, Randolph, Wake, and Vance counties.

Fifth District: Caswell, Forsyth, Granville, Person, Rockingham, Stokes, and Surry counties.

Sixth District: Alamance, Durham, Guilford, and Orange counties.

Seventh District: Bladen, Brunswick, Columbus, Cumberland, Harnett, New Hanover, and Robeson counties.

Eighth District: Anson, Davie, Davidson, Hoke, Lee, Montgomery, Moore, Richmond, Scotland, Union, Wilkes, and Yadkin counties.

Ninth District: Ashe, Alleghany, Alexander, Cabarrus, Caldwell, Iredell, Rowan, Stanly, and Watauga counties.

Tenth District: Avery, Burke, Catawba, Cleveland, Gaston, Lincoln, Madison, Mecklenburg, Mitchell, and Yancey counties.

Eleventh District: Buncombe, Clay, Cherokee, Graham, Henderson, Haywood, Jackson, Macon, McDowell, Polk, Rutherford, Swain, and Transylvania counties.

P. L. 1931, c. 216.

Sec. 60 (c. s. 6005). When election for congressmen held. The election for United States senators whose terms will expire before the next general election and for members of Congress shall be held on the Tuesday next after the first Monday in November, one thousand nine hundred and six, and biennially thereafter, unless Congress shall prescribe a different time for the holding of such elections, and shall be conducted by the officers provided for holding elections of members of the General Assembly in this chapter and at the same place.

Rev., s. 4367; 1901, c. 89, s. 59.

Sec. 61 (c. s. 6006). Election after reapportionment of congressmen. Whenever, by a new apportionment of representatives among the several states, the number of representatives in the Congress of the United States from North Carolina shall be either increased or decreased, and neither the Congress nor the General Assembly shall provide for the election of the same, then, if the said representatives shall be increased, the increased number shall be elected by the qualified voters of the whole State, and shall be voted for on one ballot, and the representatives from the several congressional districts shall be elected by the voters of said districts, respectively, and shall each be voted for on another ballot; but if the number of said representatives shall be decreased as aforesaid, in that event all the representatives in Congress shall be elected by the qualified voters of the whole State and shall be voted for on one ballot.

Rev., s. 4368; 1901, c. 89, s. 58.

Sec. 62 (c. s. 6007). Special election for congressmen. If at any time after the expiration of any Congress and before another election, or if at any time after an election, there shall be a vacancy in the representation in Congress, the Governor shall issue a writ of election, and by proclamation shall require the voters to meet in the different townships in their respective counties at such times as may be appointed therein, and at the places established by law, then and there to vote for a representative in Congress to fill the vacancy; and the election shall be conducted in like manner as regular elections.

Rev., s. 4369; 1901, c. 89, s. 60.

Sec. 63 (c. s. 6008). Certificate of election for congressmen. Every person duly elected a representative to Congress, upon obtaining a certificate of his election from the Secretary of State, shall procure from the Governor a commission, certifying his appointment as a representative of the State, which the Governor shall issue on such certificate being produced.

Rev., s. 4370; 1901, c. 89, s. 61.

ART. 15. ELECTION OF PRESIDENTIAL ELECTORS.

Section.

- 64. (C. S. 6009). Conduct of Presidential Election.
- 65. (C. S. 6010). Arrangement of Names of Presidential Electors.
- 66. (C. S. 6011). How Returns for President Shall be Made.
- 67. (C. S. 6012). Declaration and Proclamation of Result by State Board; Casting of State's votes for President and Vice-President.
- 68. (C. S. 6013). Penalty for Presidential Elector Failing to Attend and Vote.

Sec. 64 (c. s. 6009). Conduct of presidential election. The election of Presidential Electors shall be conducted and the returns made as nearly as may be directed in relation to the election of State officers, except as herein otherwise expressed.

Sec. 65 (c. s. 6010). Arrangement of names of Presidential Electors. The names of candidates for electors of President and Vice-President of any political party or group of petitioners, shall not be placed on the ballot, but shall after nomination be filed with the Secretary of State. In place of their names there shall be printed first on the ballot the names of the candidates for President and Vice-President, respectively, of each party or group of petitioners and they shall be arranged under the title of the office. A vote for such candidates shall be a vote for the electors of the party by which such candidates were named and whose names have been filed with the Secretary of State.

Sec. 66 (c. s. 6011). How returns for President shall be made. The County Board of Elections shall meet at the courthouse on the second day next after every election for President and Vice-President, and shall ascertain and determine the number of legal votes cast for the electors for President and Vice-President and shall prepare abstracts and make their returns to the State Board of Elections in the same manner as hereinbefore provided for State officers.

Sec. 67 (c. s. 6012). Declaration and proclamation of results by State Board. Casting of State's votes for President and Vice-President. The State Board of Elections shall canvass the returns for electors for President and Vice-President at the same time and place as hereinbefore required to be made for State officers, and an abstract for same shall be prepared and certified to the Secretary of State in the same manner.

The Secretary of State shall, under his hand and seal of his office, certify to the Governor the names of as many persons receiving the highest number of votes for electors of President and Vice-President of the United States as the State may be entitled to in the Electoral College. The Governor shall thereupon immediately issue his proclamation and cause the same to be published in such daily newspaper as may be published in the city of Raleigh, wherein he shall set forth the names of the persons duly elected as electors, and warn each of them to attend at the capitol in the city of Raleigh at noon on the first Monday after the second Wednesday in December, next after his election, at which time the said electors shall meet, and in case of the absence or ineligibility of any elector chosen, or if the proper number of electors shall for any cause be deficient, those present shall forthwith elect from the citizens of the State so many persons as will supply the deficiency, and the persons so chosen shall be electors to vote for the President and Vice-President of the United States. And the Governor shall, on or before the said first Monday after the second Wednesday in December, make out six lists of the names of the said persons so elected and appointed electors and cause the same to be delivered to them, as directed by the act of Congress.

Sec. 68 (c. s. 6013). Penalty for Presidential Elector failing to attend to vote. Each elector, with his own consent previously signified, failing to attend and vote for a President and Vice-President of the United States, at the time and place herein directed (except in case of sickness or other unavoidable accident), shall forfeit and pay to the State five hundred dollars, to be recovered by the Attorney-General in the Superior Court of Wake County.

P. L. 1933, Chap. 165. Sec. 11.

ART. 16. MISCELLANEOUS PROVISIONS AS TO GENERAL ELECTIONS.

Section.

69. (C. S. 6014). Agreements for Rotation of Candidates in Senatorial Districts of More Than one County.
70. (C. S. 6015). Judges and Solicitors; Commission; When Term Begins.
71. (C. S. 6016). Registrars to Permit Copying of Poll and Registration Books on Application; Penalty for Violation.
72. (C. S. 6017). Forms for Returns Sent to Proper Officers by State Board of Elections.

Sec. 69 (c. s. 6014). Agreements for rotation of candidates in senatorial districts of more than one county. When any senatorial district consists of two or more counties, in one or more of which the manner of nominating candidates for legislative offices is regulated by statute, and the privilege of selecting the candidate for senator, or any one of the candidates for senator, of any political party (as the words "political party" are defined in the first section of this subchapter) in the senatorial district, is, by agreement of the several executive committees, representing that political party in the counties constituting the district, conceded to one county therein, such candidate may be selected in the same manner as the party's candidates for county officers in the county, whether in pursuance of Statute or under the plan of organization of such party. All nominations of party candidates for the office of senator, made as hereinbefore provided, shall be duly certified by the chairman and secretary of the executive committee of the party making the same, and for the county in which they are made, to the chairman of the executive committees of such party in all other counties constituting the senatorial district, and no other action shall be deemed necessary to constitute such candidate a nominee of his party for such office.

1911, c. 192.

Sec. 70 (c. s. 6015). Judges and solicitors; commission; when term begins. Justices of the Supreme Court, judges of the Superior Court, and solicitors shall be commissioned by the Governor, and their terms of office shall begin on the first day of January next succeeding their election. An election for officers whose terms shall be about to expire shall always be held at the general election next preceding the expiration of their terms of office.

Rev., s. 4377; 1901, c. 89, s. 69.

Sec. 71 (c. s. 6016). Registrars to permit copying of poll and registration books on application; penalty for violation. That, in any primary or general election held in this State, and at any time prior to the holding of such primary or general election, and while the registration and poll books shall be in the hands of any registrar, it shall be the duty of such registrar, on application of any candidate or the chairman of any political party, to permit said poll book or registration book to be copied; *Provided*, such poll book or registration book shall not be removed from the polling place if there, or the residence of such registrar, if there; *Provided, also*, it shall be lawful for such registrar himself to furnish to such applicant, in lieu of the books themselves, a true copy of the same, for which service he shall be entitled to receive one cent per name.

That any person wilfully failing or refusing to comply with the provisions and requirements of section two hereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined not exceeding fifty dollars, or imprisoned not exceeding thirty days.

1931, c. 80.

Sec. 72 (c. s. 6017). Forms for returns sent to proper officers by State Board of Elections. The State Board of Elections shall cause proper forms of returns to be prepared and printed, and send copies thereof, with plain directions as to the manner of endorsing, directing, and transmitting the same to the seat of government, to all of the returning officers of the State, at least thirty days before the time for holding any election. The said board shall also furnish to the clerk of the Superior Court of each county all such printed blanks as may be necessary for making the county returns.

Rev., s. 4383; 1901, c. 89, s. 43; 1921, c. 181, s. 5; 1927, c. 260, s. 18.

ABSENTEE VOTING IN GENERAL ELECTIONS

CHAPTER 159; 1939

AN ACT TO PROVIDE FOR ABSENTEE ELECTORS TO VOTE IN GENERAL ELECTIONS, AND TO REPEAL ALL EXISTING LAWS RELATING TO ABSENTEE VOTING BY ABSENTEE BALLOTS.

The General Assembly of North Carolina do enact:

SECTION 1. Any qualified voter of the State who finds that he will be absent from the county in which he is entitled to vote during the day of the holding of any general election, or who by reason of sickness or other physical disability will be unable to travel from his home, or place of confinement, to the voting place in his precinct, may vote in any such general election, in the manner as hereinafter provided.

SEC. 2. Such voter, not more than thirty days, nor less than two days prior to the date of such general election shall make application, in person, by some member of his or her immediate family (husband and wife, brother and sister, parent and child only) or by mail, in writing, to the Chairman of the County Board of Elections of his county, for an official ballot to be voted in such general election. *Provided* that said two days minimum shall not apply to voters becoming unexpectedly physically disabled to attend the polls.

Such application shall be made on a blank to be furnished by the Chairman of the County Board of Elections and shall be substantially in the following form:

APPLICATION FOR ABSENTEE VOTER'S BALLOT

I, _____, do hereby certify that I am a duly qualified voter in _____ precinct, _____ Township, in the County of _____, North Carolina, and that I am entitled to vote in the general election to be held therein on the _____ day of _____ 19____:

(a) That I will be absent from the county during the day of the election;

(b) That by reason of sickness, or other physical disability, I will be unable to travel from my home, or place of confinement, to the voting place in my precinct;

(Strike out whichever of (a) or (b) is inappropriate) and I hereby make application for the official ballot, or ballots, to be voted by me in such general election, and that I will return said ballot, or ballots, to the official issuing the same, before the date of said general election.

Dated _____

P. O. Address _____

(Signed) _____

Witness: _____

There shall be printed as part of the application a certificate to be executed by the Chairman of the County Board of Elections as follows:

CERTIFICATE OF CHAIRMAN OF ELECTION BOARD

I, _____, Chairman of the County Board of Elections of _____ County, do hereby certify that the above application was received by me from _____, on the _____ day of _____, 19____, by personal delivery to me by the voter or by a member of his or her immediate family, or by mail addressed to me; that this application is number _____, and that I have delivered, or caused to be delivered at my direction and under my supervision, in person to _____, the said voter, or _____, a

member of his or her immediate family, or have mailed to him, or her, at the designated post office address, the official ballot with the name of the applicant certified on said ballot or ballots, and that I delivered, or caused to be delivered at my direction and under my supervision, in person, or to said member of his or her immediate family, or mailed, to the voter a container envelope for said ballot, bearing the same number with the name of the voter and his voting precinct entered thereon; and that I also, at the same time, furnished a return envelope, bearing my name and address, in which the ballot could be returned to me.

I further certify that this application was registered by me, in a register furnished for that purpose by the State Board of Elections, on the day that it was received and the ballot issued, and that it bears the same number on the register as this application and the container envelope furnished.

Dated _____

(Signed) _____
Chairman, _____ County.
Board of Elections.

On the back of said application there shall be printed Sections twelve and thirteen of this Act.

✓ SEC. 3. Upon receipt of such application (provided it shall be received not more than thirty days, nor less than two days prior to such general election, except as hereinbefore provided), the Chairman of the County Board of Elections, after entering on the register to be supplied to him for that purpose, by the State Board of Elections, the name of the voter, the number of the application, the precinct in which the applicant certified he is a qualified voter, the reason assigned as entitling the voter to the absentee ballot, the date of the receipt of the application, the date of the delivery of the ballot, and whether the ballot was delivered in person to the voter, to a member of his or her immediate family, or by mail, shall deliver in person, only, or to a member of his or her immediate family, or mail to the applicant at the designated post office address, an official ballot, with a container envelope, and a return envelope bearing the name, title, and address of the chairman issuing same.

It shall be the duty of the Chairman of the County Board of Elections issuing such ballot, to place on the back thereof, by stamp, in writing, or otherwise, a certificate as follows:

I certify that this ballot was delivered in person to _____
_____ the voter who applied for same or to a member of his immediate family for him, or mailed to his post office address and whose application is on file in my office. That the container envelope furnished with the ballot bears the same number as the application upon which this ballot was issued.

(Signed) _____
Chairman _____ County
Board of Elections.

SEC. 4. It shall be the duty of the said Chairman of the County Board of Elections to fold the ballot, or ballots, enclose them in the container envelope to be furnished by him, which envelope shall bear upon the face thereof the name of the voter, the number of the application, and the precinct in which the ballot is to be voted, and upon the other side, a printed affidavit in one of the following forms, according to whether the application was based upon absence from the county, or upon illness of the voter, to-wit:

AFFIDAVIT OF ABSENTEE VOTER

North Carolina, _____ County.

I, _____, do solemnly swear that I am a resident and duly qualified voter in _____ precinct _____

_____ Township, _____ County, North Carolina,
and I am entitled to vote in such precinct in the general election to be held
on the _____ day of _____, 19____; that
I find that I will be absent from my county during the day of the election;
I further swear that I made due application for the ballot enclosed herein
and received same from the official to whom the application was made; I
further swear that I marked the enclosed ballot, or ballots, or that the
same were marked in my presence according to my instructions.

Date _____

P. O. Address _____ (Signed) _____

Sworn to and subscribed before me this _____ day of
_____, 19_____.

Witness my hand and official seal _____

Title of Officer _____

I, _____, hereby certify that I ad-
ministered the oath of the affiant in the manner prescribed by laws; that
the affiant exhibited the enclosed ballot to me; that the affiant marked
such ballot or that the same was marked in his presence according to his
instructions and enclosed the same and sealed it in this envelope; that
affiant was not solicited nor advised by me to vote for or against any
candidate, nor for or against any measure.

Date _____

(Signed) _____

Title of Officer _____

AFFIDAVIT OF SICK VOTER

I, _____, do solemnly swear that
I am a resident and duly qualified voter in _____ precinct,
_____ Township, _____ County,
North Carolina, and I am entitled to vote in such precinct in the general
election to be held on the _____ day of _____,
19____; and that due to illness or other physical disability, I will be
unable to travel from my home, or place of confinement, to the voting
place in my precinct. I further swear that I made due application for
the ballot enclosed herein and received the same from the official to whom
application was made; I further swear that I marked the enclosed ballot,
or that the same was marked in my presence according to my instructions.

Dated _____

P. O. Address _____

(Signed) _____

Sworn to and subscribed before me this _____ day of
_____, 19_____.

Witness my hand and official seal _____

Title of Officer _____

I, _____, hereby certify that I ad-
ministered the oath in the manner prescribed by law; that the enclosed
ballot was exhibited to me, by affiant, or by a member of his, or her,
family, or attendant, and in the presence of the affiant; that I further
certify that the ballot was marked by the elector, or that the same was
marked in his presence according to his instructions. That the affiant
was not solicited or advised by me to vote for or against any candidate,
or measure.

Dated _____

(Signed) _____

The chairman shall also furnish, at the same time, an envelope bearing
his name, title and address for the return of the ballot to him.

SEC. 5. In using such ballot the absent voter shall make and subscribe
to the appropriate affidavit prescribed in Section four hereof, before an
officer authorized by law to administer oaths, having an official seal, which
seal shall be affixed, and in the presence of such officer, mark the ballot,

or ballots, or cause the same to be marked in his presence according to his instructions, and shall sign or cause to be signed on the back or margin of said ballot, or ballots, his or her name; and the ballot, or ballots, shall then in the presence of the officer be folded by the voter or attendant, so that each ballot will be separate and then in the presence of such officer be placed in the container envelope, and the container envelope securely sealed. The container envelope, with the ballot enclosed, shall be placed in the return envelope and shall be mailed or delivered by the voter, or some member of his or her immediate family, in person, to the Chairman of the County Board of Elections issuing the ballot. Such envelope containing the ballot must be in the hands of the Chairman of the County Board of Elections by three o'clock, P. M. on the day of the general election. No ballots received after that time shall be voted or counted.

SEC. 6. On the morning of the day before any general election, the Chairman of the County Board of Elections shall make a list, in triplicate, on blanks furnished by the State Board of Elections for that purpose, of all applications received by him from voters to whom he has issued absent voters ballots, and mail said list, with the original of all applications received by him, by registered mail, to the Chairman of the State Board of Elections, at Raleigh, North Carolina, and post one copy thereof at a conspicuous place at the courthouse door; reserving for himself the duplicate of said list. On said list he shall make, under oath, a certificate as follows:

I, _____, Chairman of the County Board of Elections of _____ County, do hereby certify that the foregoing is a list of all applications filed with me for absent voters ballots to be voted in the election, on the _____ day of _____, 19____; and I further certify that I have issued ballots to no other persons than to those listed therein, whose original applications are enclosed and filed herewith; and I further certify that I did not deliver any of the ballots to any other person than to the elector, personally, or a member of his, or her, immediate family, or by mail addressed to the voter.

(Signed) _____
Chairman _____ County
Board of Elections.

Dated _____

Sworn to and subscribed before me this _____ day of _____, 19____.

Witness my hand and official seal _____
Title of Officer _____

SEC. 7. On the day preceding any general election, the Chairman of the County Board of Elections shall deliver to the registrar a list of all absent voters ballots issued for such precinct and on the day of the general election the Chairman of the County Board of Elections shall deliver the absent voters ballots received by him to the precinct officials of the appropriate and proper precinct or precincts in his county.

The registrar shall post said list in a public place, at the opening of the polls in said precinct, where it can be seen and inspected by any interested voter.

SEC. 8. Absent voters ballots shall be deemed to be voted when delivered to the precinct officials, unless upon being opened and inspected it shall appear that the affidavit and jurat, or either, are not in due form, or that the name on the container envelope, the ballot and the chairman's certificate do not correspond. In either of which events, the ballot shall not be voted, nor counted. At any time during the day or, if more convenient, immediately upon the closing of the polls for the voting of voters in person, the recording of the absent voters names on the poll book and

depositing the ballot in the ballot box shall be begun and the procedure shall be as follows:

(1) The name of the voter as it appears on the affidavit shall be called by one of the judges of the elections. If it be found that he is a qualified voter of the precinct, and no challenge is offered to the vote, the name shall then be recorded on the poll book, with the notation—"Absent Voter." A judge of elections shall then open the envelope by slitting it with a sharp instrument in such manner as not to destroy, tear or obliterate any part of the affidavit; the ballot shall be removed from the envelope without unfolding the same so as to disclose how the ballot is marked, and if the signature of the voter on the ballot or ballots corresponds with the name on the envelope and with the name set out in the chairman's certificate on the back of the ballot, such ballot, without examination as to how it is marked, shall be deposited in the appropriate ballot box, as other ballots are deposited; *provided, however*, that if the name on the envelope and the name on the ballot and in the chairman's certificate on the back of the ballot do not correspond, or if the affidavit and jurat are not in due form, said ballot shall not be deposited in the ballot box, nor counted, but returned to its envelope and marked—"Rejected."

(2) If an absent voter's ballot is challenged and the challenge is sustained, the ballot shall be returned to its envelope and marked "Challenge Sustained" and returned as provided for the return of rejected ballots.

All envelopes shall be carefully preserved, and, with ballots marked "Rejected" and "Challenge Sustained," shall be filed with the Chairman of the County Board of Elections, at the time the returns from said precinct are filed, and shall be preserved, intact, by the Chairman of the County Board of Elections for a period of six months, or longer if any contest shall then be pending concerning the validity of any of the absentee ballots so delivered to him.

SEC. 9. The absent voter, whose ballot has been challenged, shall, upon notice, have the right to appear before the County Board of Elections on canvass day and be given the opportunity to sustain the validity, and if its validity is sustained, his ballot shall be counted and added to the returns from the proper precincts.

SEC. 10. The register of applications for absent voters ballots, required to be kept by the Chairman of the County Board of Elections, shall constitute a public record and shall be opened to the inspection of any elector of the county, at any time within thirty days before and thirty days after any general election, or at any other time when good and sufficient reason may be assigned for such inspection.

SEC. 11. Any person authorized to administer oaths, who wilfully signs a certificate that any person has subscribed and sworn to an affidavit for use in obtaining an absent voters application, or absent voters affidavit, or any other purported affidavit referred to and required by this Act, when as a matter of fact, he has not administered the oath to such person, shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than sixty days, or both, in the discretion of the court.

SEC. 12. If any person shall wilfully and falsely make any affidavit or statement, under oath, which affidavit or statement, under oath, is required to be made by the provisions of this Act, such person shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than one hundred dollars (\$100.00), or imprisoned for not less than sixty days, or both, in the discretion of the court.

SEC. 13. If any person, for the purpose of obtaining or voting any official ballot hereunder, shall wilfully sign any printed or written false statement which does not purport to be under oath, or which, if it pur-

ports to be under oath, was not duly sworn to, such person shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than sixty days, or both, in the discretion of the court.

SEC. 14. The Chairman of the County Board of Elections in each county shall be the sole custodian of blank applications for absent voters ballots, the official ballots, blank certificates and envelopes, and he shall issue same only in strict accordance with the provisions of this Act. The issuance of such absent voters ballots is the responsibility and duty of the Chairman of the County Board of Elections. Blank applications for absent voters ballots may be delivered to any elector applying for same. He shall keep all records and make all reports, promptly, required by him by the terms of this Act.

The wilful violation of the terms of this section shall constitute a misdemeanor, and upon conviction, the offender shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than sixty days, or both, in the discretion of the court.

SEC. 15. If any person shall willfully violate any of the provisions of this Act, or willfully fail to comply with any of the provisions thereof, for which no other punishment is herein provided, such person shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than one hundred dollars (\$100.00), or imprisoned not less than six months, or both, in the discretion of the court.

SEC. 16. It shall be the duty of the State Board of Elections to report to the Attorney General of North Carolina, and to the solicitor of the appropriate judicial district, any violation of this Act, or the failure of any person charged with a duty hereunder to comply with and perform such duty, and it shall be the duty of the solicitor to cause such person to be prosecuted therefor.

SEC. 17. All existing laws relating to voting by absentee ballot in the State of North Carolina are hereby repealed and all laws and clauses of laws in conflict herewith are hereby repealed.

SEC. 18. This Act shall be in full force from and after its ratification.

In the General Assembly read three times and ratified, this the 24th day of March, 1939.

SUBCHAPTER II. PRIMARY ELECTIONS.

ART. 17. PRIMARY ELECTIONS.

Section.

73. (C. S. 6018). Date for Holding Primaries.
74. (C. S. 6020). Primaries Governed by General Election Laws.
75. (C. S. 6021). Appointment of Election Boards.
76. (C. S. 6022). Notices and Pledges of Candidates; With Whom Filed.
77. (C. S. 6023). Filing Fees Required of Candidates in Primary.
78. (C. S. 6024). Fees Erroneously Paid Refunded.
79. (C. S. 6026). Payment of Expense for Primary Elections.
80. (C. S. 6027). Registration of Voters.
81. (C. S. 6028). Notices Filed by Candidates to be Certified; Printing and distribution of ballots.
82. (C. S. 6029). Only Official Ballots to be Voted; Contents and Printing of Ballots.
83. (C. S. 6030). How Choice Indicated on Ballot; How names of Candidates Placed thereon.
84. (C. S. 6031). How Primary Conducted; Voter's Rights; Polling Books, Information Given; Observation Allowed.
85. (C. S. 6032). Counting Ballots and Certifying Results.
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87. (C. S. 6034). Primaries for County Officers; Candidates to Comply With Requirements.
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89. (C. S. 6036). Primaries for County Offices; Voting and Returns.
90. (C. S. 6037). Primary Ballots; Provisions as to Names of Candidates Printed Thereon.
91. (C. S. 6038). Boxes for County Offices; How Labeled.
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99. (C. S. 6046). Attorney General to Aid Boards by Advice and as to Forms.
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102. (C. S. 6052). Political Party Defined for Primary Election.
103. (C. S. 6053). Filling Vacancies Occurring After Primary.
104. (C. S. 6054). Certain Counties Excepted from Primary.
105. (C. S. 6055). Certain Local Acts Repealed.
106. (C. S. 6055-a). Notice of Candidacy to Indicate Vacancy; Votes Only Effective for Vacancy Indicated.
107. (C. S. 6055). Contests in Primary Election.

Sec. 73 (c. s. 6018). Date for holding primaries. On the last Saturday in May next preceding each general election to be held in November for State officers, representatives in Congress, district officers in district composed of more than one county, and members of the General Assembly of North Carolina, or any such officers, there shall be held in the several election precincts within the territory for which such officers are to be elected a primary election for the purpose of nominating candidates of each and every political party in the State of North Carolina for such offices as hereinafter provided; and at such primary election next preceding the time for the election of a senator for this State in the Congress of the United States there shall likewise be nominated the candidate of each political party in this State for such office of United States senator.

1915, c. 101, s. 1; 1917, c. 218.

1915, c. 101, s. 2; 1917, c. 218; 1927, c. 82; 1939, c. 196.

Sec. 74 (c. s. 6020). Primaries governed by general election laws. Unless otherwise provided in this article, such primary elections shall be conducted, as far as practicable, in all things and in all details in accordance with the general election laws of this State, and all the provisions of this chapter and of other laws governing elections not inconsistent with this

article shall apply as fully to such primary elections and the acts and things done thereunder as to general elections; and that all acts made criminal if committed in connection with a general election shall likewise be criminal, with the same punishment, when committed in a primary election held hereunder.

1915, c. 101, s. 3; 1917, c. 218.

Sec. 75 (c. s. 6021). Appointment of election boards. On the tenth Saturday preceding each State or district primary election, the State Board of Elections shall meet in the city of Raleigh and appoint the county boards of elections for the several counties; and on the seventh Saturday preceding the time for holding each primary election the county board of elections for each of the several counties shall meet at the courthouse of their respective counties and organize as provided by law; and shall appoint a registrar and judges of election for each election precinct as prescribed by law, and the registrars and judges so appointed shall likewise serve in the general election following their appointment, unless for good cause made to appear to the respective county boards of elections others shall be appointed by them; *Provided*, that such registrars and judges shall, before entering upon their duties, have the oath of office administered to them by some officer authorized to administer oaths.

1915, c. 101, s. 4; 1917, c. 218; 1919, c. 139.

Sec. 76 (c. s. 6022). Notices and pledges of candidates; with whom filed. Every candidate for selection as the nominee of any political party for the offices of Governor and all State officers, Justices of the Supreme Court, the Judges of the Superior Court, United States Senators, Members of Congress, and Solicitors to be voted for in any primary election shall file with and place in the possession of the State Board of Elections, by six o'clock p. m. on or before the tenth Saturday before such primary election is to be held, a notice and pledge in the following form, the blanks being properly filled in and the same signed by the candidate:

"I hereby file my notice as a candidate for the nomination as _____ in the Primary Election to be held on _____. I affiliate with the _____ party, and I hereby pledge myself to abide by the results of said Primary, and to support in the next General Election all candidates nominated by the _____ party."

Every candidate for selection as the nominee of any political party for the office of State Senator in a Primary Election, Member of the House of Representatives, and all county and township offices shall file with and place in the possession of the County Board of Elections of the county in which they reside by six o'clock p. m. on or before the sixth Saturday before such primary is to be held a like notice and pledge.

1933, c. 165, s. 12; 1937, c. 364.

Sec. 77 (c. s. 6023). Filing fees required of candidates in Primary. At the time of filing a Notice of Candidacy for nomination for any Congressional or State office, including Judges of the Supreme and Superior Court and Solicitors, each candidate for such office shall pay to the State Board of Elections a filing fee of one percent of the annual salary of such office. At the time of filing a Notice of Candidacy for nomination for any legislative or county office, each candidate for such office shall pay to the County Board of Elections of the county of their residence a filing fee of one percent of the annual salary of such office: *Provided*, that all candidates for nomination for any county or township office operated on a fee basis instead of a salary basis shall pay to the County Board of Elections a filing fee of five dollars, unless the holder of such office has in the year next preceding received in fees a sum in excess of five hundred dollars: In which event the filing fee shall be one per cent of such total amount received; the purpose of this amendment being to raise the filing fees of all county and legislative candidates to the same basis as that of all candidates for State offices; that is, one per cent of the annual salary of the office for the first year; and further to fix a filing fee for candidates for county and

township offices operated on a fee basis instead of a salary basis at five dollars, unless the compensation for the office in the year next preceding was in excess of five hundred dollars.

1933, c. 165; 1939, c. 264.

Sec. 78 (c. s. 6024). Fees erroneously paid refunded. Where a candidate erroneously files a notice of candidacy, accompanied by the proper sum of money, with the State Board of Elections, instead of with the local county board, and the money is paid into the State Treasury; or where a candidate files a notice, accompanied by the sum fixed by law, with the State board, the money being paid into the State Treasury, and afterwards, but before the time for filing such notices, as fixed by law, shall have expired, he wishes to withdraw his candidacy, then, in both these cases, the money may be refunded to the candidate upon certificate from the chairman of the State Board of Elections that the facts exist which entitle him to such refunding. Upon such certificate, the Auditor shall give his warrant upon the Treasurer of the State, and the Treasurer shall pay the same.

1919, c. 50.

Sec. 79 (c. s. 6026). Payment of expense for primary elections. The expense of printing and distributing the poll and registration books, blanks, ballots for those offices hereinafter provided to be furnished by the State, and the per diem and expenses of the State Board of Elections while engaged in the discharge of the duties herein imposed, shall be paid by the State; and the expenses of printing and distributing the ballots hereinafter provided to be furnished by the counties, and the per diem and expenses of the County Board of Elections, and the registrars and judges of election, while engaged in the discharge of the duties herein imposed, shall be paid by the counties, as is now provided by law to be paid for performing the duties imposed in connection with other elections.

1933, c. 165, s. 14.

Sec. 80 (c. s. 6027). Registration of voters. The regular registration books shall be kept open before the primary election in the same manner and for the same time as is prescribed by law for general elections, and electors may be registered for both primary and general elections.

No person shall be entitled to participate or vote in the primary election of any political party unless he be a legal voter, or shall become legally entitled to vote at the next general election, and has first declared and had recorded on the registration book that he affiliates with the political party in whose primary he proposes to vote and is in good faith a member thereof, meaning that he intends to affiliate with the political party in whose primary he proposes to vote and is in good faith a member thereof.

1915, c. 101; s. 5; 1917, c. 218; 1939, c. 263.

NOTE: See page 53 for amendment to this Section by Chapter 263, P. L. 1939.

Sec. 81 (c. s. 6028). Notices filed by candidates to be certified; printing and distribution of ballots. When the time for filing notices by candidates for nomination shall have expired, the chairman of the State Board of Elections shall, within three days thereafter, certify the facts as to such notices as have been filed with him to the Secretary of State, and in the senatorial districts composed of more than one county where there is no agreement, as provided for in section 6014, the chairman or secretary of the county board of elections of each county in such senatorial district shall, within three days after the time for filing such notice shall have expired, certify to every other chairman of the county board of elections in such senatorial district the names of all candidates who have filed notice of candidacy in their respective county for the office of State Senator, and said chairman, acting under the direction of the State Board of Elections and under such rules and regulations as may be prescribed by it, shall, without delay, at the expense of the State, cause a sufficient number of official ballots to be printed for each political party having candidates to be voted for in the primary and distributed to the chairman of the county board of elections in the several counties, upon which ballot shall appear

the names of candidates who shall, under the provisions of this article, have filed notice of their candidacy and otherwise complied with the requirements of this article, except candidates for offices ballots for which are herein provided to be printed by the several county boards of elections, so that such ballots shall be received by the respective county boards of elections at least ten days before the date of holding such primaries. The expense of printing and distributing such official ballots shall be paid by the State Treasurer out of funds not otherwise appropriated, upon the warrant of the chairman of the State Board of Elections. Said ballots so printed by the State Board of Elections shall be for each of the several political parties in the State, as hereinafter defined and described, and the names of the respective parties and the candidates shall be printed on the ballots prepared for the respective parties with which the candidates affiliate, and upon the ballots the office for which each aspirant is a candidate shall be indicated. At least six days before the primary election the chairman of the county boards of elections shall distribute the official ballots to the several registrars in their respective counties, and take a receipt therefor, and the registrars shall have them at the several polling places for the use of the electors at the time of holding the primary. Any election or other officer who shall accept appointment and who shall, without previously resigning, fail to perform in good faith the duties prescribed in this article, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, in the discretion of the court.

1915, c. 101, s. 8; 1917, c. 218; 1927, c. 260, s. 22.

Sec. 82 (c. s. 6029). Only official ballots to be voted; contents and printing of ballots. There shall be voted in primary elections only the official ballots furnished to the chairman of the county boards of election and by them to the registrars; and if other ballots be voted in a party primary, they shall not be counted. There shall be as many kinds of official ballots as there are political parties, members of which have filed notice of their candidacy for primary elections.

1915, c. 101, s. 9; 1917, c. 218; 1929, c. 164, s. 9(f).

Sec. 83 (c. s. 6030). How choice indicated on ballot; how names of candidates placed thereon. Each elector wishing to participate in such primary election shall be permitted to vote for his choice of candidates for the nomination for all other offices provided for by and subject to the provisions of this article, including candidates for the United States Senate, by making a cross-mark in the small square opposite the names of the respective candidates for whom he elects to vote. It shall be the duty of the board of elections having in charge the duty of printing the ballots for primary elections to be held under the provisions of this article to so print the ballots that the names of the opposing candidates for any office shall, as far as practicable, alternate in position upon the ballot to the end that the name of each candidate shall occupy with reference to the name of every other candidate for the same office, first position, second position, and every other position, if any, upon an equal number of ballots, and distribute the said ballots, when so printed, impartially and without discrimination.

1915, c. 101, s. 10; 1917, c. 218; 1933, c. 165, s. 15.

Sec. 84 (c. s. 6031). How primary conducted; voter's rights; polling books, information given; observation allowed. When an elector offers himself and expresses the desire to vote at a primary held under this article, he shall declare the political party with which he affiliates and in whose primary he desires to vote, as hereinbefore provided, and he shall then be furnished by the registrar ballots, as desired by him, of the political party with which he affiliates, which he may vote, and he shall not in such primary be allowed to vote a ticket marked with the name of any political party of which he has not declared himself to be a member as herein defined; but any one may at any time any elector proposes to vote challenge his right to vote in the primary of any party upon the ground that he does not affiliate with such party or does not in good faith intend

to support the candidates nominated in the primary of such party, and it shall be the duty of the registrar and judges of election upon such challenge to determine whether or not the elector has a right to vote in said primary, *Provided*, that he may vote for candidates for all or any of the offices printed on such ballot, as he shall elect, and he shall be required to disclose the name of the political party printed thereon and no more. He may in the manner hereinbefore prescribed mark such names as he desires, and these and only these shall be counted as being voted for by him, and he shall have the right to so vote for only one candidate as his choice for each office. If he be a qualified elector and has elected to vote in the primary of a party of which he has declared himself to be a member, as provided herein, he may deposit his ballots in the proper ballot boxes, or he may permit the registrar or a judge of election to so deposit them for him. Any person who has become of the age of twenty-one years between the time when the books closed for registration and the day of the primary election, and who is otherwise a qualified elector, and who desires to register and vote as a member of a political party, may do so in the manner herein provided.

At the time of voting, the name of the voter shall be entered on a primary polling book to be provided and kept for the purpose, under rules prescribed by the State Board of Elections, which said book shall be provided at the expense of the State for all State primaries and State elections.

It shall be the duty of the county board of elections and of the judges and registrar in each precinct to make all necessary arrangements, by providing a proper number of places in each precinct whereby each voter shall have an opportunity, both at all primary and general elections, to arrange his ballot in secret and without interference from any other person whatsoever; and it shall be the duty of the judges of election and registrars holding primary and general elections to give any voter any information he may desire in regard to the kind of ballot which he may be entitled to vote and the names of the candidates thereon, and, in response to questions asked by him, they shall communicate to him any information which he may desire in regard to the kind of ballot which he may be entitled to vote and the names of the candidates thereon, and, in response to questions asked by him, they shall communicate to him any information necessary to enable him to mark his ballot as he desires.

At the written request of the chairman of any political party of any county, the judges and registrar of any precinct shall designate the name of some elector in each precinct, if there be such elector who affiliates with such political party, who shall be furnished the opportunity to observe the method of holding such primary election; but such elector shall in no manner interfere with the method of holding such election or interfere or communicate with or observe any voter in casting his ballot, but shall make such observation and notes of the manner of holding such election and the counting of the ballots as he may desire: *Provided*, nothing herein contained shall be construed to prevent any elector from casting at the general election a free and untrammelled ballot for the candidate or candidates of his choice.

1915, c. 101, s. 11; 1917, c. 218; 1921, c. 181, s. 6; 1923, c. 111, s. 14; 1929, c. 164, s. 34; 1939, c. 263.

Sec. 85 (c. s. 6032). Counting ballots and certifying results. When the polls have been closed, the primary ballot boxes shall be opened in the presence of the registrar and both judges of election at the several precincts and such electors as may desire to be present: *Provided*, the registrars and judges may fix such space as they may consider reasonable and necessary to enable them to count the ballots. The ballots of each of the several parties in the boxes in each precinct shall be counted and bound in separate packages, and the result shall be certified to the proper county board of elections and by them to the State Board of Elections upon blanks to be provided by the State Board of Elections at the expense of the State, within the time and, as near as may be, in the manner provided for the certification of the result of general elections.

1915, c. 101, s. 12; 1917, c. 218.

Sec. 86 (c. s. 6033). Names of candidates successful at primaries printed on general election official ballot; where only one candidate. Only those who have filed notice of their candidacy and who shall have complied with the requirements of law applicable to candidates before primaries with respect to such primary elections shall have their names printed on the official ballot of their respective political parties. In all cases where only one aspirant for nomination for a particular political office to be voted for by his political party on the State or district ballot or for the State Senate in districts composed of two or more counties shall have filed such notice, the Board of Elections of the State shall, upon the expiration of the time for filing such notices, declare him the nominee of his party, and his name shall not, therefore, be placed on the primary ballot, but shall be placed on the ballot to be voted at the general election as his party's candidate for such office.

1915, c. 101, s. 13; 1917, c. 218.

Sec. 87 (c. s. 6034). Primaries for county offices; candidates to comply with requirements. At the time of holding primary elections for State officers as hereinbefore provided, there shall likewise be held primary elections for the nomination of the candidates of the several political parties in the State for county offices; and no one shall be voted for in such primary elections for the nomination of candidates for county offices unless he shall have filed a notice with the appropriate county board of elections and shall have taken the pledge required of candidates filing notice with the State Board of Elections, as hereinbefore provided, and shall have otherwise complied with the requirements applicable to such candidates for nomination for State offices, except insofar as such requirements are modified by the provisions of this article with reference to candidates for primary nominations for county offices.

1915, c. 101, s. 14; 1917, c. 218.

Sec. 88 (c. s. 6035). Primaries for county offices; State furnishes notices of candidacy forms and official ballots. The State Board of Elections, prior to the time fixed by law for the appointment of registrars and judges of primary elections, shall prescribe, print, and furnish to the several county boards of elections a sufficient number of notices to be filed by candidates desiring to be voted for for nomination for county offices, which said notices shall be substantially the same in form as those required to be filed by candidates for primary nomination for State offices as hereinbefore provided; and the several county boards of elections shall have printed and shall provide official ballots for county offices similar in form and otherwise to the ballots hereinbefore provided for for State offices, and shall distribute the same to the several precincts in the manner and at the time hereinbefore prescribed in the case of State offices.

1915, c. 101, s. 15; 1917, c. 218.

Sec. 89 (c. s. 6036). Primaries for county offices; voting and returns. In primary elections for the selection of candidates for county offices the voting shall be done in the manner hereinbefore prescribed for primary elections for State offices, and all the provisions herein contained governing primary elections for State offices shall apply with equal force to primary elections for county offices when not inconsistent with other provisions herein with reference to such primary elections for county officers; and the returns in such primary elections for county officers shall be certified to the appropriate county board of elections, which shall declare and publish the results.

1915, c. 101, s. 16; 1917, c. 218.

Sec. 90 (c. s. 6037). Primary ballots; provisions as to names of candidates printed thereon. It shall be the duty of the State Board of Elections to print and furnish to the counties for Primary Elections a sufficient number of official ballots for each political party having candidates to be voted for in the Primary within the time prescribed for in C. S. six thousand and twenty-eight, which official ballots shall have printed thereon the names of candidates for the United States Senate, for the

National House of Representatives, and for Governor and for all other State offices, with the exception of the office of Solicitor and Judge of the Superior Court. All of these candidates, ballots for which are required to be furnished by the State, may be printed on one form of ballot or they may be printed on a number of forms of ballots as may be decided by the State Board of Elections.

It shall be the duty of the County Board of Elections to print and furnish to the voting precincts in the county for primary elections a sufficient number of official ballots for each political party having candidates to be voted for in the primary within the time prescribed in C. S. six thousand and twenty-eight, which official ballots shall have printed thereon the names of candidates for the following offices in the order in which they are named and shall be known as the "Official Primary Ballot for Judge Superior Court, Solicitor, State Senator and County and Township Offices" when candidates for all of said offices are participating in the primary within the county. Whenever there is no contest for any of the aforesaid offices, then such names will not appear on the county ballot. The County Board of Elections may print the Township ballot separate from the County ballot if it should so desire.

The ballots to be printed by the counties shall be of such width, color, form and printed in such type and on such paper as the State Board of Elections may direct.

It shall be the duty of the Chairman of the State Board of Elections to certify to the Chairman of the County Board of Elections in each county, by the fourth Saturday before each primary election, the names of such candidates for the nomination for Judge of the Superior Court and Solicitor as have filed the required notice and pledge and filing fee with the State Board of Elections and entitled to have their names placed on the official County ballot, and it shall be the duty of each County Chairman to acknowledge receipt within two days after the receipt of the letter of certification to the Chairman of the State Board of Elections so that the State Chairman will know that each candidate's name has been properly certified and received.

1933, c. 165, s. 16.

Sec. 91 (c. s. 6038). Boxes for county officers; how labeled. All ballots for nominations for county officers shall be deposited in the box labeled "Legislative Primary Box" hereinbefore provided for, which box, in addition to bearing the label "Legislative Primary Box," shall also immediately thereunder be labeled "County Primary Box."

1915, c. 101, s. 18; 1917, c. 218.

Sec. 92 (c. s. 6039). Sole candidate declared nominee. In all cases where only one aspirant for nomination by the party with which he affiliates for the State Senate in districts composed of only one county or for the House of Representatives of the General Assembly or for a county office shall have filed the notice of candidacy in this article required, the county board of elections shall, upon the expiration of the time fixed for filing such notice, declare him the nominee of his party, and his name shall therefore not be placed on the primary ballot, but shall be placed upon the ballot to be voted at the general election as his party's candidate for such office.

1915, c. 101, s. 19; 1917, c. 218.

Sec. 93 (c. s. 6040). Primaries for township and precinct officers. The several County Boards of Elections shall provide for holding in their respective counties primary elections for the choice of candidates for the nomination for township and precinct officers, which primary elections shall be held at the same time and places as the primaries for County officers; *Provided*, that in the Counties exempt from the operation of the Primary Law for the nomination of County officers, Township officers may also be nominated in the same manner as county officers within such counties. The expenses for holding primaries for township officers shall be paid for by the counties.

1933, c. 165, s. 17.

Sec. 94 (c. s. 6041). Returns of precinct primaries; preservation of ballots. The registrar and judges of election at each precinct in the State of North Carolina shall certify upon blanks prepared and printed by the State Board of Elections and distributed through the county board of elections to the election officers of each of the several precincts the result of the primary election of each precinct; and there shall be made by the judges of election and registrar at each precinct two copies of their returns, one copy of which shall be filed by them with the clerk of the court of their county for public inspection, and one shall be filed with the county board of elections to be kept on file by it; and it shall be the duty of the judges and registrars to preserve and keep for two months after each election the original ballots cast at such election, which ballots, after being counted, shall be placed in bundles, a separate and distinct bundle to be made of the ballots of each and every political party cast in each of the boxes, and each box in which ballots were cast shall be carefully sealed up before the election officers shall separate, so that nothing put in may be taken from them, and the signatures of the registrar and judges of each precinct shall be inscribed at the same time on a seal placed on each box of the precinct, and no box shall be opened except upon the written order of the county board of elections or a proper order of court. The State Board of Elections, in preparing the printed form for returns to be made by the judges and registrars of the several precincts to the county boards of elections, and in preparing the forms for the returns to be made by the county boards of elections to the State Board of Elections of the result of primary elections, shall prepare them in such form as will show the number of votes cast for each candidate for nomination for office.

1915, c. 101, s. 21; 1917, c. 179, s. 1; 1917, c. 218; 1923, c. 111, s. 15.

Sec. 95 (c. s. 6042). County board tabulates result of primaries; returns in duplicate. The county boards of elections of the several counties shall tabulate the returns made by the judges and registrars of the several precincts in their respective counties with reference to candidates before the primaries, so as to show the total number of votes cast for each candidate of each political party for each office, and when thus compiled on blanks to be prepared and furnished by the State Board of Elections for the purpose, these returns, in the case of officers other than the State Senate in districts composed of only one county, the House of Representatives and county officers, shall be made out for each county in duplicate and one copy shall be forwarded to the State Board of Elections and one copy shall be filed with the clerk of the Superior Court of the county from which such returns are made; in the case of member of the State Senate in district composed of only one county, member of the House of Representatives and county officers, such returns shall be made out in duplicate, and one copy thereof filed with the clerk of the Superior Court and one copy retained by the county board of elections, which shall forthwith, as to such last mentioned offices, publish and declare the results.

1915, c. 101, s. 21½; 1917, c. 218.

Sec. 96 (c. s. 6043). State board tabulates returns and declares nominees. The State Board of Elections shall compile and tabulate the returns for each candidate for each office for each political party voted for in the primary except in cases in which it is in this article provided that the result shall be declared by the several county boards of election, and if a majority of the entire votes cast for all the candidates of any political party for a particular office shall be for one candidate, he shall be declared by the State Board of Elections the nominee of his political party for such office.

1915, c. 101, s. 22; 1917, c. 218.

Sec. 97 (c. s. 6044). Returns of election boards to be under oath. The chairman or secretary of each of the county boards of elections and the chairman or secretary of the State Board of Elections shall file with all returns and declarations of results of election required by law to be filed by such boards an affidavit that the same are true and correct according to

the returns made to them and a judge of election or registrar shall accompany the precinct returns as to results of primary elections with an affidavit that the same are true and correct, according to the votes cast and correctly counted by them.

1915, c. 101, s. 23; 1917, c. 218.

Sec. 98 (c. s. 6045). When results determined by plurality or majority; second primaries; when held. Nominations for President and Vice-President of the United States in the several congressional districts shall be determined by a plurality of the votes cast, and in the case of all other officers mentioned in this act nominations shall be determined by a majority of the votes cast.

If in the case of an officer other than the officers of President and Vice-President no aspirant shall receive a majority of the votes cast, a second primary, subject to the conditions hereinafter set out, shall be held, in which only the two aspirants who shall have received the highest and next highest number of votes shall be voted for: *Provided*, that if either of such two shall withdraw and decline to run and shall file notice to that effect with the appropriate board of elections, such board shall declare the other aspirant nominated: *Provided, further*, that unless the aspirant receiving the second highest number of votes shall, within five days after the result of such primary election shall have been officially declared, and such aspirant has been notified by the appropriate board of elections, file in writing with the appropriate board of elections a request that a second primary be called and held, the aspirant receiving the highest number of votes cast shall be declared nominated by such appropriate board.

If a second primary be ordered by the State or a county board of elections, it shall be held four weeks after the first primary, in which case such second primary shall be held under the same laws, rules, and regulations as are provided for the first primary, except that there shall be no further registration of voters other than such as may have become legally qualified after the first primary election, and such persons may register on the day of the second primary, and shall be entitled to vote therein under the provisions of this article.

If a nominee for a single office is to be selected, with more than one candidate, then the majority of this section shall be ascertained by dividing the total vote cast for all candidates by two, and any excess of the sum so ascertained shall be a majority within the meaning of this section.

If nominees for two or more offices (constituting a group) are to be selected, and there are more candidates for nomination than there are such offices, then the majority of this section shall be ascertained by dividing the total vote cast for all of such candidates by the number of positions to be filled, and then dividing the result by two. Any excess of the sum so ascertained, shall be the majority of this section. If in ascertaining the result in this way, it appears that more candidates have obtained this majority than there are positions to be filled, then those having the highest vote, if beyond the majority just defined, shall be declared the nominee for the positions to be filled.

Where candidates for all the offices within such group do not receive a majority as defined and set out in this section, those candidates equal in number to the positions to be filled and having the highest number of votes shall be declared nominated unless a second primary shall be demanded, which may be done by any one or all of the candidates equal in number to the positions remaining to be filled and having the second highest number of votes. When any one or all of such candidates in the group receiving the second highest number of votes demand a second primary, such second primary shall be held and the names of all those candidates in the group receiving the highest number of votes and all those in the group receiving the second highest number of votes and demanding a second primary shall be put on the ballot for such primary. In no case shall there be a third primary, but the candidate receiving the highest number of votes in the second primary shall be nominated.

1915, c. 101, s. 24; 1917, c. 179, s. 2; 1917, c. 218; 1927, c. 260, s. 23; 1931, c. 254, s. 17.

Sec. 99 (c. s. 6046). Attorney General to aid boards by advice and as to forms. In the preparation and distribution of ballots, poll books, forms of returns to be made by registrars and judges, and forms of the returns to be made by the county boards of elections to the State Board of Elections and to be made by the State Board of Elections, and all other forms to be prepared by Attorney-General of the State of North Carolina, it shall be the duty of the State Board of Elections to call to its aid the Attorney-General of the State of North Carolina, and it shall be the duty of the Attorney-General to advise and aid in the preparation of all such ballots, books and forms.

1915, c. 101, s. 25; 1917, c. 218.

Sec. 100 (c. s. 6047). Returns, canvasses, and other acts governed by general election law. The returns to be made by the registrars and judges as to the results of primary elections, and the canvassing by the county boards of elections of such results and declarations of such results, and the reports to be made by the county board of elections to the State Board of Elections and other acts and things to be done in ascertaining and declaring the results of primary elections, unless otherwise provided herein, shall be done within the time before or after the primary election, and, as near as may be, under the circumstances prescribed for like acts and things done with reference to a general election, unless such acts and things prescribed to be done within certain times under the general election law shall, with respect to primary elections, be changed by general rules promulgated by the State Board of Elections for what may seem to them a good cause.

1915, c. 101, s. 26; 1917, c. 218.

Sec. 101 (c. s. 6048). Election board may refer to ballot boxes to resolve doubts. When, on account of errors in tabulating returns and filling out blanks, the result of an election in any one or more precincts cannot be accurately known, the county board of elections and the State Board of Elections shall be allowed access to the ballot boxes in such precincts to make a recount and declare the results, which shall be done under such rules as the State Board of Elections shall establish to protect the integrity of the election and the rights of the voters.

1915, c. 101, s. 26; 1917, c. 218.

Sec. 102 (c. s. 6052). Political party defined for primary elections. A political party within the meaning of the primary law shall mean any political group of voters which, at the last preceding general election, polled at least three percent of the total vote cast therein for such offices as are described in Section 5913 of the C. S. as amended.

1915, c. 101, s. 31; 1917, c. 218; 1933, c. 165, s. 17.

NOTE.—For definition of political party under the general election law, see this chapter, s. 5913.

Sec. 103 (c. s. 6053). Filling vacancies occurring after primary. In the event that any person nominated in any primary election as the candidate of a political party for a State office shall die, resign, or for any reason become ineligible or disqualified between the date of such primary election and ensuing general election, the vacancy caused thereby may be filled by the action of the State executive committee of such political party; in the event of such vacancy in the case of a district office, the same may be filled by the action of the executive committee for such district of such political party; and in the event of such vacancy in the case of a county office, or the House of Representatives or the State Senate in a district composed of only one county, the same may be filled by the action of the executive committee of the party affected thereby in the county wherein such vacancy occurs: *Provided*, that should a vacancy occur in any office after the primary has been held, a nomination shall be made in like manner as above provided, and the name of the person so nominated shall be placed on the official ballot: *Provided, further*, that after the time for filing notice of candidacy has expired and the candidate who has been declared the nominee for any office shall die before the date of the primary, the

vacancy thus created may be filled by nomination in like manner as above provided, and the name of the person so nominated shall be placed on the official ballot: *Provided, further*, that if, after the time for filing notice of candidacy has expired, any person who has filed notice of his candidacy in accordance with law, die, and there be only one other person who has filed notice of his candidacy for such office, the board of elections shall reopen the time for filing notice of candidacy, and fix a date upon which the primary election for such office shall be held.

1915, c. 101, s. 33; 1917, c. 179, s. 3; 1917, c. 218; 1923, c. 111, s. 16.

Sec. 104 (c. s. 6054). Certain counties excepted from primary. This article on Primary Elections shall not apply to nominations for candidates for county offices, members of the House of Representatives, and for the State Senate when there exist agreements for rotation of candidates in senatorial districts of more than one county under C. S. six thousand and fourteen, and when there is but one county in a senatorial district, in the following counties, to-wit:

Ashe, Avery, and Watauga.

NOTE: Michie's Code summarizes these exemptions as follows: "This section originally excepted by name 39 counties from the operation of the law. This list was increased by the extra session, 1920, by two counties, Avery (Ex. 1920, C. 16) and Stokes (Ex. 1920, C. 57) and Martin was stricken out, P. L. 1921, C. 298. The 1923 Legislature struck out eight counties from the list of exceptions as follows: Alleghany, (P. L. 1923, C. 21); Avery (C. 137); Caldwell (C. 30); Halifax (C. 50); Johnston (C. 44); Polk (C. 88); Transylvania (C. 21); Tyrrell (C. 26). The laws of 1925 added Randolph county and struck out Montgomery and Pender counties, and the laws of 1927 struck out the county of Brunswick. Public Local Laws 1927 struck out Alamance. The acts of 1929 eliminated McDowell. The acts of 1931 struck out Davidson (C. 16); Davie and Mitchell (C. 93); Wilkes (C. 108); Macon (C. 190); Gaston (C. 203); Sampson (C. 450). For statute relating to conduct of primary in Wilkes county see P. L. 1931, c. 108. P. L. 1933, C. 70 struck out Randolph from the list of excepted counties. P. L. 1933, c. 327 again adding Avery to the list of excepted counties, was repealed by P. L. 1935, C. 141, P. L. 1937, c. 263 again repealed P. L. 1935, c. 141, excepting Avery from primary. P. L. 1935, C. 365 struck out Stanly from the list of counties and C. 391 of P. L. 1935 struck out Watauga. P. L. 1937, C. 264 again exempted Watauga. P. L. 1929, C. 319 eliminated Ashe county provided a petition of voters be presented within twelve months. P. L. 1939, C. 105 placed Alexander under primary law. P. L. 1939, C. 78 placed Burke under primary law. P. L. 1939, C. 80 placed Clay under primary law. P. L. 1939, C. 142 placed Surry under primary law. Pub. Local 1939, C. 135 placed Caldwell under primary law."

Provided, that in any county whose county offices are hereby exempted, if voters in numbers as great as one-fifth of the total vote cast for Governor in such county at the preceding gubernatorial election shall petition the board of county commissioners of such county for an election thereon, it shall be the duty of the said board to order an election at the next succeeding general election upon the method of nominating county officers and member or members of the House of Representatives. At such election those favoring the nomination of county and legislative officers by primary shall cast ballots on which is written or printed "For County Primary;" those opposed shall cast ballots bearing the words "Against County Primary." If a majority of the votes cast in such election shall be "For County Primary," then the provisions of this act shall thereafter apply to such county, and it shall be no longer exempted. Otherwise such exception shall remain in force.

1933, c. 165, s. 18.

Sec. 105 (c. s. 6055). Certain local acts repealed. All laws and clauses of laws relating to primary elections in Wake County in conflict with this article be and the same are hereby repealed. All local laws regulating primaries as to county or legislative officers in those counties not excepted in the preceding section from the provisions of this article are hereby repealed.

1915, c. 101, s. 34½; 1917, c. 218.

Sec. 106 (c. s. 6055-a). Notice of candidacy to indicate vacancy. Votes only effective for vacancy indicated. In any primary when there are two or more vacancies for chief justice and associate justices of the Supreme Court of North Carolina to be filled by nominations all candidates shall file with the State Board of Elections at the time of filing notice of candidacy a notice designating to which of said vacancies the respective candidate is asking for nomination. All votes cast for any candidate shall be effective only for the vacancy for which he has given notice of candidacy, as provided herein.

1921, c. 217.

Sec. 107 (c. s. 6055-b). Contests in Primary Election. All contests over the results of a primary election shall be determined according to the law applicable to similar contests over the results of a general election.

1933, c. 165, s. 19.

NEW REGISTRATION OR REVISION OF BOOKS

CHAPTER 263; P. L. 1939

The General Assembly of North Carolina do enact:

SECTION 1. That prior to the next State-wide primary election held after the ratification of this Act there shall be a revision made of the registration books and a relisting of the voters in each and every precinct in the State in the manner hereinafter provided. On the first Saturday following the appointment of the members of the County Board of Elections preceding the one thousand nine hundred and forty primary election, the members of each County Board of Elections shall, after due notice of their appointment has been received, meet at eleven o'clock A. M. in the office of the Clerk of the Superior Court of the county and, after first taking their oath of office, shall organize by electing one member as chairman and another member as secretary of said board. The said board shall at this meeting authorize the revision of the registration books and the relisting of the voters in each precinct in the county in accordance with the provisions of this Act. The Clerk of the Superior Court shall, at this meeting, deliver to the Chairman of the County Board of Elections three new registration books and one new poll book for each precinct in the county, which new books shall have been furnished to said Clerk of the Superior Court by the State Board of Elections prior thereto together with a copy of this Act. The cost of printing and distribution of said new books shall be paid for by the State out of the contingency and emergency fund. The said Clerk of the Superior Court shall, at this meeting, deliver to said Chairman of the County Board of Elections the old registration books for each precinct in the county together with the poll books used in each precinct in the one thousand nine hundred and thirty-six and one thousand nine hundred and thirty-eight general elections, and he shall take a receipt from said chairman for the same. At this meeting the County Board of Elections shall authorize and direct the Chairman of the County Board of Elections, with the assistance of the registrars and any other necessary assistance to proceed with the relisting of the voters in the county, the cost of which shall be paid for by the Board of County Commissioners out of the county funds, but which shall be held to as low an amount as is consistent with the purposes of this Act. The said Chairman of the Board of Elections shall begin said work within eight days after said meeting and supervise the same until it is completed.

SEC. 2. For each precinct the chairman shall have copied in a new registration book, to be known and labeled as "The General Election Registration Book," the names only of all registered electors who are shown by the poll book to have voted in such precinct in either the one thousand nine hundred and thirty-six or the one thousand nine hundred and thirty-eight general election or the primary election, except electors who are known by the chairman to have died or moved their voting residence, and to record in said book opposite each name, information available with reference to the race, age, residence, place of birth and the township, county and state from whence he has removed, in the event of a removal. The party affiliation of the voters shall not be entered in this general election registration book. When this is completed, there shall be prepared for each precinct in duplicate a list of all the registered voters whose names were not transferred to the new general election registration book for the reason that such electors did not appear, according to the poll books, to have voted in either the general election or the primary election of one thousand nine hundred and thirty-six or one thousand nine hundred and thirty-eight. The said Chairman of the County Board of Elections shall thereafter publish said lists once a week for at least two consecutive weeks in a county journal or in his discretion have said lists posted at the courthouse door of said county at least two weeks prior to the opening of the regular primary registration period notifying all per-

sons on said lists that their names would be erased from the registration books unless such persons personally appeared before their respective registrars during the regular registration period and showed their right to remain on the registration book and vote as qualified electors in said precinct. In the event that either the one thousand nine hundred and thirty-six or one thousand nine hundred and thirty-eight poll books for a precinct are lost and cannot be found then the chairman shall order a new registration of voters in such precinct before the primary election. In all counties having had a new county-wide registration of voters, either in the year one thousand nine hundred and thirty-six or one thousand nine hundred and thirty-eight, the said chairman in said county is authorized to transfer to the new registration books the names of all persons registered therein regardless of whether any of the persons so registered voted in either of said elections or primary elections of one thousand nine hundred and thirty-six or one thousand nine hundred and thirty-eight, except that the chairman shall remove from the books the names of all persons known by the chairman to have died or moved their voting residence elsewhere since said registration was held: *Provided, however,* that if the registration books in those counties having had a new registration within the time above mentioned do not show the party affiliation of the voter together with the other required information then the chairman shall order a new registration therein. In instances where the party affiliation is shown part of the time and is not shown in some cases, then the procedure set forth in the third section of this Act shall be followed: *Provided, further,* that in those counties having had a new county-wide registration of voters either in the year one thousand nine hundred and thirty-six or one thousand nine hundred and thirty-eight, which registration, revision and relisting of voters was performed in substantial compliance with the terms of this Act, in the opinion of the Chairman of the State Board of Elections the said chairman will not be required to comply with the terms and provisions of this Act.

SEC. 2½. In lieu of the procedure prescribed in this Act, any County Board of Elections in its discretion, may order a new registration of the voters in that county, or in any precinct or precincts therein: *Provided,* that in all cases the three registration books provided for in this Act shall be made so that there shall be a general election registration book and a separate primary registration book.

SEC. 3. Where the registration books do not show in part the voters party affiliation, or age, race, residence, place of birth, etc., and the poll book for the precinct shows that such persons voted in either the one thousand nine hundred and thirty-six or the one thousand nine hundred and thirty-eight general election, or primary election, then the said chairman shall prepare a list of all such registered persons—including all of those absent from the county and employed outside of the county—and shall immediately mail a blank form to each of such persons whose address is given or known, instructing them to fill in the requested information on the blank return form enclosed and to return the same to the said chairman or registrar of the precinct by the close of the registration period or their names will be removed from the registration book. It shall then be the duty of the registrar to remove from the registration book the names of all such persons who fail to return the blank return form with the requested information by the close of the registration period. All blank return forms of this kind so received by the registrars shall be kept until after the primary election and thereafter filed with the said chairman along with the precinct returns as part of the public records in the chairman's office: *Provided, however,* that the provisions of this section shall not be mandatory as to any voter when the Chairman of the County Board of Elections with the assistance of the registrars, or from any available source of information can obtain the facts, set out in said section, required to be obtained by the Election Laws of the State; but in all cases the party affiliation shall be shown on the primary registration books in order for the voter to participate in the primary election.

However, in the event that any person, whose name has been removed from the registration book by said County Board of Elections as having been disqualified to vote in the precinct, should appear at the polling place on election or primary day and give satisfactory evidence to the registrar and judges that he had never received any notice by mail or otherwise of his name being placed among the list of disqualified voters in that precinct, and can satisfy said officials that he is qualified to vote in that precinct, then such person's name shall be placed back on the general election registration book and on the primary registration book if he declares his party affiliation as provided in Section six, and he shall be allowed to vote in said precinct as before.

SEC. 3 1/2. On the day of the canvass of votes the registration books herein provided for shall be returned together with the poll books by the registrar to the Chairman of the County Board of Elections who shall have the care and custody of the same until they are placed in the hands of the registrar for the purpose of registration of voters or holding subsequent primary or general elections. Said Chairman of the County Board of Elections shall keep said books in a safe and secure place, a fire-proof vault if possible.

SEC. 4. After the completion of the transfer of the names of registered electors to the general election registration book, as above provided, the Chairman of the County Board of Elections shall then transcribe to another new registration book to be labeled and known as "The Democratic Primary Registration Book," the names of all Registered Democrats who are shown by the poll books to have voted in either the one thousand nine hundred and thirty-six or one thousand nine hundred and thirty-eight general election or primary election, and on another registration book shall transcribe the names of all registered Republicans who voted in either of the above specified elections, which book shall be known and labeled as the "Republican Primary Registration Book." The names of all electors registered on the old books without any party affiliation being given, or who are registered as Independents, or who fail to show their age, race, place of birth, residence, etc., shall not be transcribed to either party primary registration book until the said chairman or registrar shall have received back the blank return form from such electors as above provided for giving the requested information, or shall have obtained said information otherwise as hereinbefore provided in Section three of this Act.

Only the party primary registration book of the party participating in a primary election shall be used at the polls at a primary election and if only one party so participates then the other party primary registration book shall not be used or kept at the polls on primary day but shall, after the close of the registration period, be transmitted to the Chairman of the County Board of Elections along with the general election registration book. At a general election, only the general election registration book shall be used at the polls on election day, and after the close of the registration period the two party primary registration books shall be transmitted to the said chairman. In all registrations hereafter held before a primary or an election, the registrars shall register all qualified applicants for registration in both the general election registration book and also in the party primary book of the party with which the elector professes affiliation, but the party affiliations shall not be recorded in the general election registration book. Any applicant for registration who refuses to state his or her party affiliation shall not be registered in a party primary registration book and shall not be permitted to vote in a primary until the affiliation is stated and so recorded in the primary book of such party.

SEC. 5. The Chairman of the County Board of Elections shall transcribe to the new registration books the names of all persons who are recorded as having registered under the Grandfather Clause of the Constitution of North Carolina, regardless of whether such persons voted in either the one thousand nine hundred and thirty-six or one thousand nine hundred

and thirty-eight election. The said chairman, however, shall not transcribe to the new books the names of any persons so registered who are known to have died or moved their voting residence elsewhere.

SEC. 6. No registered elector shall be permitted to change his party affiliation for a primary or second primary after the close of the registration period. Any elector who desires to change his party affiliation for a primary from the registration book on which registered to that of another party shall, during the registration period only, go to the registrar of his precinct and request that such change be made on the party primary books. Before being permitted to change his party affiliation, for the purpose of participating in a primary election, however, such elector shall be required by the registrar to take the oath of party loyalty to the party to which he wishes to now affiliate, and the registrar shall thereupon administer to the said elector the following oath:

I, _____, do solemnly swear (or affirm) that I desire in good faith to change my party affiliation from the _____ party to the _____ party, and that such change of affiliation be made on the party registration books, and I further solemnly swear (or affirm) that I will support the nominees of the party to which I am now changing my affiliation in the next election and the said party nominees thereafter until I shall, in good faith, change my party affiliation in the manner provided by law, so help me God.

If at any time the Chairman of the Board of Elections or the registrar of any precinct shall be satisfied that an error has been made in designating the party affiliation of any voter on the primary registration books then and in all such events the Chairman of the County Board of Elections or the registrar, having the custody of the registration book may make the necessary correction upon the voter taking the oath of party loyalty in substance of the form set forth in this section.

SEC. 7. Any Chairman of a County Board of Elections who willfully and knowingly refuses or fails to comply with the provisions of this Act with respect to his duties as herein specified shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine, imprisonment, or both, in the discretion of the court.

Any registrar who willfully and knowingly registers an elector in the wrong party primary registration book contrary to the direction of the voter; or any registrar who willfully and knowingly refuses to make the change in the affiliation from one party primary book to another party primary book at the request of an elector who has taken the oath prescribed in Section six hereof; or any registrar who willfully and knowingly permits any person to vote in the primary of a party in whose registration book such person is not registered; or any registrar who willfully and knowingly fails to comply with any of the duties placed upon him by this Act shall be guilty of a misdemeanor and shall be punished by a fine, imprisonment, or both, in the discretion of the court.

SEC. 8. The State Board of Elections shall have the authority to summarily remove any Chairman of a County Board of Elections who fails or refuses to comply with any of the duties placed upon him by the provisions of this Act, and shall thereupon request the Chairman of the State Executive Committee to recommend a person to succeed the member removed from said County Board of Elections, which said person shall thereupon be appointed by the State Board of Elections as the Chairman of such County Board of Elections.

SEC. 9. That all laws and clauses of laws in conflict with this Act are hereby repealed.

SEC. 10. That this Act shall be in full force and effect from and after its ratification.

In the General Assembly read three times and ratified, this the 30th day of March, 1939.

SUBCHAPTER III. AUSTRALIAN BALLOT LAWS OF 1929 AS AMENDED, CHAP. 164, P. L. 1929.

Section.

- 108 (a-1). Former Laws Repealed; Enactments in Lieu Thereof.
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NOTE: Since the Public Laws of 1929, 1931 and 1933 have not been codified according to the Consolidated Statutes, the entire act is printed in full as amended.

Sec. 108 (a-1). Former laws repealed; enactments in lieu thereof. Sections five thousand nine hundred and seventy-six, five thousand nine hundred and seventy-eight, five thousand nine hundred and eighty, five thousand nine hundred and eighty (a), five thousand nine hundred and eighty (b), five thousand nine hundred and eighty-one, five thousand nine hundred and eighty-two, five thousand nine hundred and eighty-three, and six thousand and fifty-one, of the Code of North Carolina, and all acts amendatory thereof, be and the same are hereby repealed, and in lieu thereof the following shall be and is hereby enacted and inserted.

1929, c. 164, s. 1.

Sec. 109 (a-2). Applicable to all subdivisions of State. The provisions of this chapter shall be applicable to all counties, cities, towns, townships and school districts in the State of North Carolina, without regard to population or number of inhabitants thereof.

1929, c. 164, s. 2.

Sec. 110 (a-3). Preparation and distribution of ballots; definitions. All ballots cast in general elections for national, State, county, municipal and district officers in the towns, counties, districts, cities and other political divisions, and in primaries for the nomination of candidates for such offices, shall be printed and distributed at public expense. The printing and distribution of all ballots other than the county or local ballots hereinafter designated and the ballots for elections in cities and towns and the ballots for elections on bonds or other local measures, shall be arranged and handled by the State Board of Elections and shall be paid for by the State; and the printing and distribution of ballots in all county and local elections or primaries shall be arranged and handled by the County Board of Elections and shall be paid for by the respective counties; the printing and distribution of ballots in all municipal elections shall be arranged and handled by municipal authorities conducting such elections or primary and shall be paid for by such municipality. The term "State elections" as used in this chapter shall apply to any elections held for the choice of Presidential Electors, United States Senators, State, county or district officer or officers. The term "National elections" shall apply to any member of Congress of the United States. The term "city election" shall apply to any municipal election so held in a city or town, and the term "city officers" shall apply to any person to be chosen by the qualified voters at such an election.

1929, c. 164, s. 3.

Sec. 111 (a-4). Applicable to all issues submitted to people; form of ballot. This subchapter shall apply and control all elections for the issuance of bonds and to all other elections in which any question or issue is submitted to a vote of the people. And the form of ballot in such election shall be a statement of the question, with provisions to be answered "Yes" or "No" or "For" or "Against" as the case may be.

1929, c. 164, s. 4.

Sec. 112 (a-5). Ballots, provisions as to; names of candidates and issue. The ballots printed for use under the provisions of this subchapter shall be printed and delivered to the County Boards of Elections at least thirty days previous to the date of election, and shall contain the names of all candidates who have been put in nomination by any primary, convention, mass meeting, or other assembly of any political party in this State or have duly filed notice of their independent candidacy, and all questions or issue to be voted on. It shall be the duty of the County Board of Elections to have printed all necessary ballots for use under the provisions of this subchapter for county, township, and district elections. It shall be the duty of the State Board of Elections to have printed all necessary ballots for use under the provisions hereof for State and national elections, constitutional amendments and propositions submitted to the vote of the people.

1929, c. 164, s. 5.

Sec. 113 (a-6). Independent candidates put upon ballot, upon petition. The boards of election shall cause to be printed upon said ballots as an independent or non-partisan candidate, the name of any qualified voter who has been requested to be a candidate for office by written petition signed by at least twenty-five per cent of those entitled to vote for a candidate for such office according to the vote cast in the last gubernatorial election in the political division in which such candidate may be voted for, when such petition is accompanied by an affidavit from such proposed candidate that he seeks to become an independent or non-partisan candidate and does not affiliate with any political party: *Provided*, such petition is filed with said Board of Elections at or before the time prescribed by law for the nomination of candidates by the political parties within the particular political division. The written petition provided herein, in municipal elections, shall be signed by at least twenty-five (25%) per cent of the votes cast for the candidate running, in the last municipal election, for the particular office.

1929, c. 164, s. 6; 1931, c. 223, s. 1; 1935, c. 236, s. 2 and 3.

Sec. 114 (a-7). Becoming candidate within ten days of election; provision as to ballot. If any qualified citizen is nominated to fill any vacancy, in any primary or election, after the time fixed herein for the printing of the official ballots, then said names shall not be printed upon said ballots. But the candidate nominated may, at his own expense, have the Board of Elections print a separate ticket upon which the title of the office for which he is a candidate and his own name shall be printed. Such ticket so printed as aforesaid shall be an official ticket. This section relates to all elections, whether nominating primaries, general elections, or others.

1929, c. 164, s. 7; 1931, c. 254, s. 1.

Sec. 115 (a-8). Withdrawal of candidate. After the proper officer has been notified of the nomination, as hereinbefore specified, of any candidate for any office, he shall not withdraw same unless upon the written request of the candidate so nominated, made at least thirty days before the day of the election.

1929, c. 164, s. 8.

Sec. 116 (a-9). Number of ballots; what ballots shall contain; arrangement. There shall be seven kinds of ballots, called respectively: official ballot for Presidential Electors; official ballot for United States Senator; official ballot for members of Congress; official State ballot; official county ballot; official township ballot; and official ballot on constitutional amendments or other proposition submitted. In addition to these, there shall be a definite form of ballot for primary elections as hereinafter provided and a ballot for municipal elections as hereinafter provided. *Provided, further*, that the State Board of Elections, or the County Board of Elections may, in their discretion, combine any one or more of the ballots for either the Primary or the General Election. The ballots herein provided for shall be used for the purpose for which their names severally indicate, and not otherwise, that is to say:

(a). On the official Presidential ballot, the names of candidates for electors of President and Vice-President of the United States of any political party or group of petitioners, shall not be placed on the ballot, but shall after nomination, be filed with the Secretary of State. In place of their names, there shall be printed first on the ballot the names, of the candidates for President and Vice-President of the United States respectively, of each such political party or group of petitioners, and they shall be arranged under the title of the offices. The party columns shall be separated by black ink lines. At the head of each party column shall be printed the party name in large type and below this circle one-half inch in diameter, below this the names of the candidates for President and Vice-President in the order prescribed. Each party circle shall be surrounded by the following instructions plainly printed: "For a straight ticket, mark within this circle."

If the State Board of Elections, in its discretion, should combine the Presidential ballot with some other kind of ballots, such as the State, Senatorial, or Congressional ballots, then in that event, there shall be printed at the left of the names of such candidates for President and Vice-President of each party or group, a single voting square large enough so that a voter, desiring to vote for candidates for other officers of another party, may vote for the candidates for President and Vice-President together in the one single square. When the Presidential ballot is combined with another ballot, instruction number two on the State ballot shall be included with the instructions given herein for the Presidential ballot.

On the face of the ballot, at the top, shall be printed in heavy black type the following instructions:

1. To vote a straight ticket, make a cross (X) mark in the circle of the party you desire to vote for.
2. A vote for the names of candidates for President and Vice-President is a vote for the Electors of that party, the names of whom are on file with the Secretary of State.
3. If you tear or deface or wrongly mark this ballot, return it and get another.

On the bottom of the ballot shall be printed the following:

“-----
Facsimile of signature of Chairman of State Board of Elections.”

(aa). On the official ballot for United States Senator the names of the nominees or candidates for United States Senator, of each party, and of each independent candidate, if any, shall be printed and so arranged in columns as to show above such names the party with which all such nominees or candidates are affiliated. At the head of each party column shall be printed the party name in large type, and below this a circle one-half inch in diameter, and below this the names of the respective nominees, or independent candidates, if any. At the left of each name shall be printed a voting square, and all voting squares shall be arranged in the same perpendicular line. Each party circle shall be surrounded by the following instructions plainly printed: “For a straight ticket mark within this circle.” The column for any independent candidate or candidates shall be similar to the party columns, except that at the top of said column there shall be printed the words “Independent Candidates.” The columns shall be arranged upon the ballots as directed by the State Board of Elections, as to all ballots herein required to be printed, and distributed by such State Board of Elections, and by the county board of elections with respect to all ballots required to be printed and distributed by the county board of elections. On the face of the ballot, at the top, shall be printed in heavy type, the following instructions:

1. To vote a straight ticket, make a cross (X) mark in the circle of the party you desire to vote for.
2. If you tear or deface or wrongly mark this ballot, return it and get another.

On the bottom of the ballot shall be printed the following:

“-----
Facsimile of signature of Chairman of State Board of Elections.”

(aaa). On the official ballot for members of Congress, the names of the nominees or candidates for members of Congress, of each party, and of each independent candidate, if any, shall be printed and so arranged in

columns as to show above such names the party with which all such nominees or candidates are affiliated. At the head of each party column shall be printed the party name in large type, and below this a circle one-half inch in diameter, and below this the names of the respective nominees, or independent candidates, if any. At the left of each name shall be printed a voting square, and all voting squares shall be arranged in the same perpendicular line. Each party circle shall be surrounded by the following instructions plainly printed: "For a straight ticket mark within this circle." The column for any independent candidate or candidates shall be similar to the party columns, except that at the top of said column there shall be printed the words "Independent Candidates." The column shall be arranged upon the ballots as directed by the State Board of Elections, as to all ballots herein required to be printed and distributed by such State Board of Elections, and by the county board of elections, with respect to all ballots required to be printed and distributed by the county board of elections. On the face of the ballot, at the top, shall be printed in heavy black type, the following instructions:

1. To vote a straight party ticket, mark a cross (X) mark in the circle of the party you desire to vote for.
2. If you tear or deface or wrongly mark this ballot, return it and get another.

On the bottom of the ballot shall be printed the following:

“-----
Facsimile of signature of Chairman of State Board of Elections.”

(b). On the official State ballot shall be printed the names of all candidates for State public offices, including candidates for judges of the Superior Court, and all other candidates for State offices not otherwise provided for. The names of all such State candidates to go upon the said official ballot which is herein provided, of each party and group of independent candidates, if any, shall be printed in one column and the party column shall be parallel and shall be separated by distinct black lines. At the head of each party column shall be printed the party name and under this shall be a blank circle one-half of an inch in diameter, which party circle shall be surrounded by the following instructions plainly printed: "For a straight ticket, mark within this circle." The columns for the independent candidates shall be similar to the party columns, except that above each column shall be printed the words "Independent Candidate." In each party column the names of all nominees of that party shall be printed in the customary order of the office, and the names of all candidates of each party for any one office shall be printed in a separate section, and at the top of each section shall be printed on one line the title of the office and a direction as to the number of candidates for whom a vote may be cast, unless there shall not be room for the direction, in which case it shall be printed directly below the title. If two or more candidates are nominated for the same office for different terms the term for which each is nominated shall be printed as a part of the title for the office. Each section shall be blocked in by black lines and the voting squares shall be set in a perpendicular column or columns to the left of each candidate's name. The printing on said ballot shall be plain and legible, and in no case shall it exceed in size ten point type.

On the face of the ballot, at the top, shall be printed in heavy type, the following instructions:

1. To vote a straight party ticket, make a cross (X) mark in the circle of the party you desire to vote for.
2. To vote a mixed ticket, or in other words for candidates of different parties, either omit making a cross (X) mark in the party circle at the top and mark in the voting square opposite the name of each candidate on the ballot for whom you wish to vote; or, make a cross (X) mark in the party circle above the name of the party for some of whose candidates you wish to vote, and then mark in the voting squares opposite the names of any candidate of any other party for whom you wish to vote."
3. If you tear or deface or wrongly mark this ballot, return it and get another.

On the bottom of the ballot shall be printed the following:

 "Facsimile of signature of Chairman of State Board of Elections."

The instructions hereby given for the State ballot shall be used when there are two or more State offices to be filled at an election, or when two or more kinds of ballots as herein given are printed on one ballot.

(c). On the official county ballot shall be printed the names of all candidates for solicitor for the judicial district in which the county is situated; for the member of the General Assembly, and all the county offices. It shall conform as nearly as possible to the rules prescribed for printing the State Official ballot, but on the bottom thereof shall be printed the following:

 Facsimile of signature of Chairman of County Board of Elections.

(d). The township ballot shall contain the names of the candidates for constable and justices of the peace, and the municipal ballot shall contain the names of all offices to be filled in the municipality at the election for which the ballot is to be used, and shall conform as near as may be to the provisions herein set out with respect to the county ballot.

(e). On the official ballot on constitutional amendments or other propositions submitted shall be printed each amendment or proposition submitted in the form laid down by the Legislature, county commission, convention, or other body submitting such amendment or propositions. Each amendment or proposition shall be printed in a separate section and the section shall be numbered consecutively, if there be more than one. At the left of each question shall be printed two voting squares, one above the other, each at least one-fourth ($\frac{1}{4}$) inch square. At the left of the upper square shall be printed the word "Yes" and at the left of the lower square shall be printed the word "No." At the top of the ballot shall be printed the following instructions:

1. To vote "Yes" on any question, make a cross (X) mark in the square to the right of the word "Yes."
2. To vote "No" on any question, make a cross (X) mark in the square to the right of the word "No."
3. If you tear or deface or wrongly mark this ballot, return it and get another.

On the bottom of each ballot shall be printed the following:

 Facsimile of signature of Chairman of State Board of Elections.

(f). In primary elections there shall be no provision for designating the choice of a party ticket by one act or mark, but there shall be a separate ballot for each party and of different colors. The ballots containing the

names of the respective candidates shall be so printed that the names of the opposing candidates for any office shall, as far as practicable, alternate in position upon the ballot, to the end that the name of each candidate shall occupy with reference to the name of every other candidate for the same office, first position, second position and every other position, if any, upon an equal number of ballots, and the said ballots shall be distributed impartially and without discrimination. A square shall be to the left of the name of each candidate in which the voter may make a cross (X) mark indicating his choice for each candidate.

On the bottom of each ballot in such Primary Election printed by the State Board of Elections shall be printed the following:

Facsimile of signature of Chairman of State Board of Elections, and on the bottom of each ballot printed by the County Board of Elections shall be printed the following:

Facsimile of signature of Chairman of County Board of Elections.

(g). In all city or municipal elections and primaries there shall be an official ballot on which shall be printed the names of all candidates for city or town offices. It shall conform as nearly as possible to the rules prescribed for the printing of the official general ballot, but on the bottom thereof shall be printed the following:

Facsimile of signature of City Clerk.

1929, c. 164, s. 9; 1931, c. 254, s. 2 to 10 inc.; 1933, c. 165, s. 20, 21; 1939, c. 116.

Sec. 117 (a-10). Ballots for each precinct wrapped separately. All ballots for use in each precinct shall be wrapped in packages, each package to contain whatever number of ballots the Chairman of the County Board of Elections may deem advisable for the respective precincts in his own county, but each package shall have written or stamped thereon the number of ballots contained therein so the registrar will know how many ballots to account for in his precinct.

1929, c. 164, s. 10; 1933, c. 165, s. 22.

Sec. 118 (a-11). Number of ballots to be furnished polling places. There shall be provided for each voting place at which an election or primary is to be held such a number of ballots that there shall be at least one hundred and twenty-five ballots for every one hundred registered voters at each polling place, or an excess of ballots of twenty-five per cent over the registration at each precinct.

1929, c. 164, s. 11; 1933, c. 165, s. 22.

Sec. 119 (a-12). Ballot boxes. The county board of elections shall provide for each precinct ballot boxes for the official ballots, as herein specified, which boxes shall respectively be plainly marked "Presidential Electors," "Ballot Box Members of Congress," "Ballot Box United States Senator," "Official State Ballot Box," "Official County Ballot Box," "Official Township Ballot Box," and "Official Propositions Ballot Box," and also one additional box for spoiled ballots, to be plainly marked "For Spoiled Ballots." Each box shall be supplied with a lock and key and with an opening in the top large enough to allow a single folded ballot to be easily passed through, but no larger.

1929, c. 164, s. 12; 1931, c. 254, s. 11.

Sec. 120 (a-13). Sample ballots for instructing voters. The State Board of Elections shall prepare Sample Ballots of each kind of ballot printed by the State for the purpose of instructing voters in marking their ballots, which sample ballots shall be printed on colored paper and with the words

"Sample Ballots" printed conspicuously thereon and shall distribute the same to the County Board of Elections. The County Boards of Elections shall likewise print on colored paper and distribute county and township ballots for instructing said voters.

1929, c. 164, s. 13; 1931, c. 254, s. 12.

Sec. 121 (a-14). Distribution of ballots and boxes. The county board of elections shall deliver to the registrar in each precinct the proper number of ballots and boxes, as required by the provisions of this chapter, three days before the day of election, and shall obtain from each registrar a receipt for same.

1929, c. 164, s. 14.

Sec. 122 (a-15). Destroyed or stolen ballots; how replaced; reports as to. In case the ballots furnished to any precinct in accordance with the provisions of this chapter shall be destroyed or stolen, it shall be the duty of the county board of elections to cause other ballots to be prepared in the form of the ballots so wanting. Within three days after the close of the polls on election days, the registrars having lost such ballots shall make a written report of the whole circumstances of the loss of the ballots under oath, to the county board of elections.

1929, c. 164, s. 15.

Sec. 123 (a-16). Registrars, duties of, compensation; failure to serve. In addition to the compensation for performance of the duties required in the registration of voters, each registrar shall receive for his services on election day the sum of five dollars. If any registrar or judge of election fails or refuses to serve as herein provided, the officer holding the election shall swear in a bystander of the same political faith as the registrar not serving, and if none such be present then any other qualified elector. One of the judges appointed for such purpose by the precinct election officers shall have charge of the ballots and furnish them to the voters in manner hereinafter set forth. The registrar shall promptly, at the close of the registration period, certify to the county board of elections the number of voters registered in his precinct.

1929, c. 164, s. 16; 1939, c. 264.

Sec. 124 (a-17). Voting booths, arrangement and number of, and provisions as to. The county board of elections in each county whose duty it is to hold the election and appoint polling places therein, as herein provided for, shall cause the same to be suitably provided with a sufficient number of voting booths, equipped with the tables or shelves on which voters may conveniently mark their ballots. Each voting booth shall be at least three feet square and six feet high and shall contain three sides and have a door or curtain in front, which door or curtain shall extend within two feet of the floor; and each booth shall be so arranged that it shall be impossible for one voter in one voting booth to see another voter at another voting booth in the act of marking his ballot. The arrangement shall be such that the ballot boxes and voting booths be in plain view of the judges of election. The number of such voting booths shall be not less than one for each hundred voters qualified to vote at such polling places. Each voting booth shall be kept properly lighted and provided with proper supplies and conveniences for marking ballots. The county board of elections may provide buildings by lease or otherwise in which the elections are to be conducted, or they may cause a space not more than one hundred feet from the ballot boxes to be roped off, in which space no person shall be allowed to enter except through a way not exceeding three feet in width for the entrance and exit of voters. They may prescribe the manner in which the place for holding elections shall be prepared in every precinct so as to properly effectuate the purpose of this act. The county board of elections shall also be entitled to demand and use any school or other public building for the purpose of holding any election and require that such building be vacated for such purpose.

1929, c. 164, s. 17.

Sec. 125 (a-18). Regulations for opening polls; oath of judges and registrars. The judges of election and registrars of each precinct shall meet at the polling places therein at least one-half hour before the time set for opening polls for each election referred to in this act, and shall proceed to arrange the space within the enclosures set apart for election, and to prepare the booths for the orderly and legal conduct of the election. They shall then and there have the official ballot boxes, herein referred to, together with the boxes for ballot stubs and the boxes for spoiled ballots as hereinbefore provided, the sealed packages of official ballots, the registration book, the polling book, and the required supplies. They shall see that the voting booths are supplied with pencils, or pen and ink; unlock the official ballot boxes; see that the same are empty; allow the authorized watchers present and any other electors who may be present to examine said boxes, and shall lock the same again while empty. After such official ballot boxes are relocked they shall not be unlocked or open until the closing of the polls; and except as authorized by law no ballot or other matter shall be placed in such boxes. Each judge of election and registrar shall before the opening of the polls take the following oath:

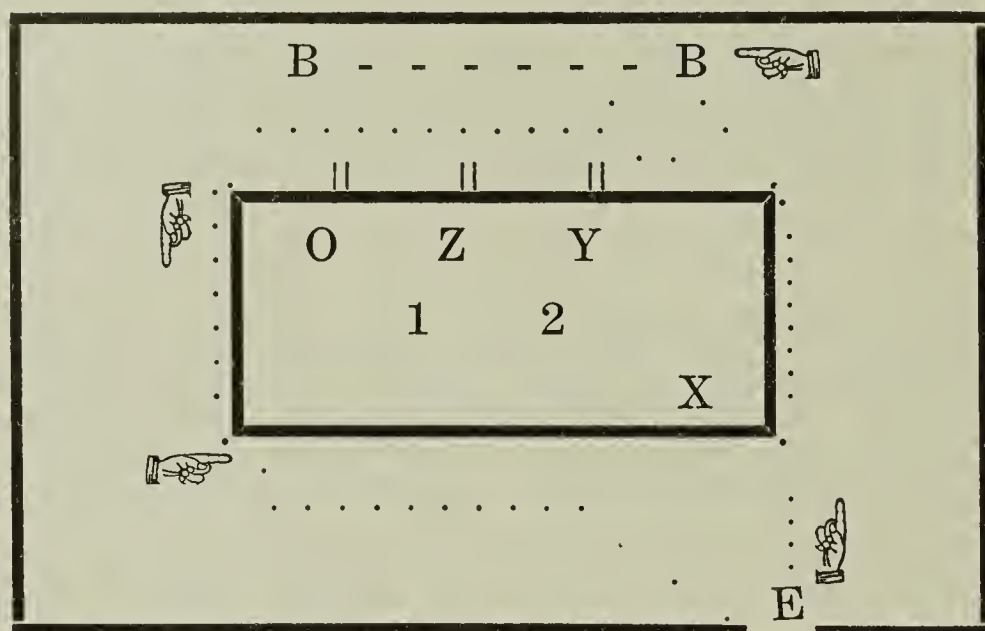
"I do solemnly swear that I will administer the duties of my office without fear or favor; that I will not in any manner request or seek to persuade or induce any voter to vote for or against any particular candidate or proposition, and that I will not keep or make any memorandum of anything occurring within the voting booth, except I be called upon to testify in a judicial proceeding for a violation of the election laws of this State; so help me, God."

This oath shall be administered at the time hereinbefore prescribed by the registrar to the two judges of election, and by one of them to the registrar. The same oath shall be taken before the registrar or judge by every person rendering assistance. They shall then open the sealed package of ballots, and one of the judges shall make proclamation that the polls are open and of the time when they will be closed. From the time of opening of the polls until the announcement of the result of the canvass of the votes after the close of the polls and the signing of the official returns the official ballot boxes and the other boxes herein provided for and all the official ballots herein provided for shall be kept within the precinct election enclosures.

1929, c. 164, s. 18.

Sec. 126 (a-19). Regulations for voting at polling places. No person shall, while the polls are open at polling places, loiter about or do any electioneering within such polling-place or within fifty feet thereof, and no political banner, poster, or placard shall be allowed in or upon such polling places during the day of the election. The election officials and ballot boxes shall at all times be in plain view of the qualified voters who are present, and a guard rail shall be placed not nearer than ten feet nor further than twenty feet from the said election officials and ballot boxes.

The arrangement of the polling place shall be substantially according to the following diagram, and shall conform as nearly thereto as the building or other place in which said election is held will permit:



- E. Entrance to voting place.
- X. Judge with ballots and box for spoiled ballots.
- B. Voting booths.
- Y. Polls book.
- Z. Ballot box.
- O. Box for stubs.
- 1, 2. Other election officials.
- Directions of entry and exit of voter.

1929, c. 164, s. 19.

Sec. 127 (a-20). Delivery of ballot to voter. The voter shall enter through the entrance provided, and shall forthwith give to the judge of election his name and residence. One of judges shall thereupon announce the name and residence of the voter in distinct tone of voice. The registrar shall at once announce whether the name of such voter is duly registered. If he be registered, and be not challenged, or if he be challenged and the challenge decided in his favor, or if he take the requisite oath and be lawfully entitled to vote, the proper judge of election shall prepare for him one official ballot of each kind, folded by such judge in the proper manner for voting, which is: first, bring the bottom of the ballot up to the margin of the printing at the top of the ballot, allowing the margin to overlap; and second, fold both sides of the center, so that when folded the face of the ballot, except the one inch margin at the top thereof, shall be concealed, and so that the ballot shall be not more than four inches wide. Such judge shall then instruct the voter to refold the ballot in the same creases when he has marked it.

1929, c. 164, s. 20; 1931, c. 254, s. 13.

Sec. 128 (a-21). Marking the ballot by voter. The voter shall then go to one of the voting booths and shall therein prepare his ballot by marking in the appropriate margin or place a cross (X) mark opposite the name of the candidate or party of his choice for each office to be filled, or by filling in the name of the candidate of his choice in the blank space provided therefor, and marking a cross (X) opposite thereto. The voter may designate choice of candidate by a cross (X) or by a check mark, or other clear indicative mark.

1929, c. 164, s. 21.

Sec. 129 (a-22). Folding and casting ballot; poll books filed with chairman. When the voter shall have prepared his ballot or ballots, he shall leave the voting booth with his ballot folded so as to conceal the face of the

ballot, and keep it so folded, shall proceed at once to the judge of election designated to receive ballots and shall offer them to such judge who shall then deposit the ballots in the proper boxes; *Provided, however*, that if the voter shall have been challenged and the challenge be decided in the voter's favor, before depositing the ballot or ballots in the proper boxes, the voter shall write his name on the ballot or ballots for identification in the event that any action should be taken later in regard to the voter's right to vote. After voting the voter shall forthwith pass outside the guard-rail, unless he be one of the persons authorized to remain for purposes other than voting. No ballots except official ballots bearing the official endorsement shall be allowed to be deposited in the ballot boxes or be counted. No official ballot folded shall be unfolded outside of the voting booth until it is to be counted. No person to whom any official ballot shall be delivered shall leave the space within the guard-rail until after he shall have delivered back all such ballots. When a person shall have received an official ballot from the judge he shall be deemed to have begun the act of voting, and if he leave the guard-rail before the deposit of his ballot in the box he shall not be entitled to pass again within the guard-rail for the purpose of voting.

The poll-books required to be kept by the judges of elections shall be signed by the judge at the close of the election, and delivered to the registrar, who shall deliver them to the Chairman of the County Board of Elections.

1929, c. 164, s. 22; 1931, c. 254, s. 14; 1939, c. 263, s. 3½.

Sec. 130 (a-23). Manner and time of voting. On receiving his ballot the voter shall forthwith, and without leaving the enclosed space, retire alone, unless he be one that is entitled to assistance as hereinafter provided, to one of the voting booths, and without undue delay unfold and mark his ballots. No voter shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and voters are waiting. It shall be unlawful purposely to deface or tear an official ballot in any manner, or to erase any name or mark written thereon by a voter. If a voter wrongly mark or deface or tear a ballot he may obtain others successively one at a time, but not more than three of any one kind, upon returning to the judge each ballot so spoiled.

1929, c. 164, s. 23.

Sec. 131 (a-24). Who allowed in room or enclosure; peace officers. No person other than voters in the act of voting shall be allowed in the room or enclosure in which said ballot box and booths are, except the officers of election and official markers as hereinafter provided. In case of cities having duly enrolled policemen or peace officers, the city authorities may designate the officers to keep the peace at the polls on the outside of the enclosure in which is the ballot box. But in no event shall said policemen or peace officers come nearer to said entrance than ten feet, or enter the room or enclosure in which is the ballot box, unless specially requested to do so by the officers holding the elections, and then only for the purpose of preventing disorder; and at any time when requested to do so by said officers holding the elections, the said policemen shall retire from the room or enclosure in which is the ballot box, and to a point not nearer than ten feet to the aforesaid entrance.

1929, c. 164, s. 24.

Sec. 132 (a-25). Ballots not taken from polls; other ballots for spoiled ballots. No person shall take or remove any ballots from the polling place before the close of the polls. If any voter spoils a ballot, he may successively obtain others, one at a time, not exceeding three in all, upon returning each spoiled one to the registrar, and the registrar shall deposit said spoiled ballot in the box kept for the purpose by him. Within three days after each election or primary the registrar of each precinct shall deliver to the county board of elections in an envelope to be furnished by the county board of elections for such purpose the spoiled ballots so deposited

at such precinct, and shall at the same time in another envelope furnished for such purpose, deliver to the said county board of elections the unused ballots from said precinct. The county board of elections shall thereupon make a check to ascertain whether the total of such spoiled ballots and such unused ballots when added to the number of ballots cast at such precinct shall equal the total number of ballots furnished to the registrar of such precinct prior to such election or primary.

1929, c. 164, s. 25.

Sec. 133 (a-26). Assistance to voters in general elections; appointment of markers. Prior to the date of any election hereunder the county board of elections, together with the registrar of each precinct of each county, shall designate for each precinct therein a sufficient number of persons of good moral character and of the requisite educational qualifications, who shall be bona fide electors of the precincts for which they are appointed, to act as markers, whose duty it shall be to assist voters in the preparation of their ballots. The assistants or markers so appointed by the said county board of elections shall be so appointed as to give fair representation to each political party whose candidates appear upon the ballot. The chairman of the county organization of any political party may not more than ten days before any election to be held hereunder submit to the county board of elections the names of not less than ten qualified voters in any voting precinct of the county, and thereupon the markers or markers appointed to represent such party in said election at said voting precinct shall be selected from among those so named. Such persons shall remain within the enclosure prepared for the holding of elections, but shall not come within ten feet of the guard-rail, except when going to or returning from the booth with any elector who has requested assistance. Such marker or assistant shall not in any manner seek to persuade or induce any voter to cast his vote in any particular way, and shall not make or keep any memorandum of anything occurring within such booth, and shall not, directly or indirectly, reveal to any other person how in any particular such voter marked his ballot, unless he, or they, be called upon to testify in a judicial proceeding for a violation of the election laws. Every such marker or assistant, together with the registrar and judge of election, shall, before the opening of the polls, take and subscribe an oath that he will not, in any manner, seek to persuade or induce any voter to vote for or against any particular candidate, or for or against any particular proposition, and that he will not make or keep any memorandum of anything occurring within the booth, and will not disclose the same, unless he be called upon to testify in a judicial proceeding for a violation of the election laws of this State. The said oath, after first being taken by registrar, may be administered by him to the two judges of election and to the markers or assistants, as herein provided. *Provided*, that in all general elections held under the provisions of this act any voter may select another member of his or her family who shall have the right to accompany such voter into the voting booth and assist in the preparation of the ballot, but immediately after rendering such assistance the person so assisting shall vacate the booth and withdraw from the voting arena.

1929, c. 164, s. 26; 1933, c. 165, s. 24; 1939, c. 352.

Sec. 134 (a-27). Aid to persons suffering from physical disability or illiteracy in general elections. Any person who, on account of physical disability, is obviously unable to enter the booth without assistance, or who on account of such disability, or because of illiteracy, or for any other good reason, shall request assistance from the registrar or judges of election, may upon such declaration and upon his own request, have assistance from any one of the markers or assistants provided for in section twenty-six. The voter may indicate which of the markers he desires to assist him; whereupon the registrar shall direct that the marker or assistant so indicated by the voter accompany said voter into the booth and give him such aid as may be requested in the preparation of his ballot, whereupon said marker or assistant shall withdraw from said booth and to his place within the rail, and shall not accompany the voter to the ballot.

box unless assistance be required on account of physical infirmity and such assistance is requested by the voter, or have any further conversation with said voter to the time that he deposits his ballot. In the event the voter does not request the assistance of any particular marker or assistant, then the registrar shall appoint from among the official markers or assistants some person to aid the voter in preparing his ballot.

1929, c. 164, s. 27.

Sec. 134½. Assistance to voters in primary elections. Any qualified voter entitled to vote in any primary, but who by reason of any physical disability or illiteracy is unable to mark his ballot may upon statement to the registrar of his incapacity and upon his request be aided by a near relative (husband or wife, brother or sister, parent or child, grandparent or grandchild), who shall be admitted to the booth with such voter, or if no near relative is present such voter may call to his assistance any other voter of his precinct who has not given aid to another voter, and who shall likewise be admitted to the booth with such voter: *Provided* that if the voter needs and is entitled to the assistance as herein provided for, and there is no near relative present, or anyone else authorized hereunder to give assistance, the voter may call to his assistance the registrar or one of the judges of the election: *Provided, further*, that any voter may upon his request be accompanied into the voting booth by a near relative (as above defined), and obtain such assistance from said member of the family as he may desire whether disabled or not. It shall be unlawful for any person to give, receive, or permit assistance in the voting booth during any primary to any voter otherwise than as is herein provided for.

NOTE: The following opinion on this section was given by the Attorney General of North Carolina to the Chairman of the State Board of Elections by letter dated October 13, 1939:

"You ask my interpretation of the Marker Bill passed by the recent Session of the General Assembly. The provisions of this Act are applicable to primaries which will be held in the future. Under the provisions of the Act it is unlawful for any person to give, receive, or permit assistance in the voting booth during any primary to any voter otherwise than as provided therein.

"The Act repeals Code Sections 6055 (a26) and 6055 (a27), the present marker law, as to primaries. It does not affect elections. The above quoted provisions of the Act seem to be plain enough not to require any explanation. A question might arise as to what is an illiterate voter. Under the Constitution, Article VI, Section 4, and C. S. 5939 enacted in pursuance thereto, every person presenting himself for registration is required to be able to read and write any section of the Constitution, except those persons who are entitled to register under what is well known as the Grandfather Clause. Therefore, it is my opinion that only those persons who are registered under the Grandfather Clause are entitled to claim the right to request the assistance of a marker by reason of illiteracy.

"A question may arise also as to what constitutes physical disability. The Act says a person who by reason of physical disability is unable to mark his ballot, which means, in my opinion, any kind of physical disability which meets the requirements of the Act. It might be blindness, paralysis, or any other type of physical disability sufficient to cause the voter to be unable to mark his ballot."

Sec. 135 (a-28). Method of marking ballots; improperly marked ballots not counted; when. The voter shall observe the following rules in marking his ballot:

1. If the elector desires to vote a straight ticket, or in other words, for each and every candidate of one party for whatever office nominated, he shall, either—

- (a) Make a cross mark in the circular space below the name of the party at the head of the ticket; or
 - (b) Make a cross mark on the left of and opposite the name of each and every candidate of such party in the blank space provided therefor.
2. If the elector desires to vote a mixed ticket, or in other words for candidates of different parties, he shall, either,
 - (a) Omit making a cross mark in the party circle above the name of any party and make a cross mark in the voting square opposite the name of each candidate for whom he desires to vote on whatever ticket he may be; or
 - (b) Make a cross mark in the party circle above the name of the party for some of whose candidates he desires to vote, and then make a cross mark in the voting square opposite the name of any candidates of any other party for whom he may desire to vote, in which case, the cross mark in the party circle above the name of a party will cast the elector's vote for every candidate on the ticket of such party, except for offices for which candidates are marked on other party tickets, and the cross marks before the names of such candidates will cast the elector's vote for them.
3. If the elector desires to vote for a person whose name does not appear on the ticket, he can substitute the name by writing it in with a pencil or ink in the proper place, and making a cross (X) mark in the blank space at the left of the name so written in. When a name is written in on the official ballot, the new name so written in is to be treated like any other name on the ballot. No sticker is to be used.
4. If the elector marks more names than there are persons to be elected to an office, or, if for any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office but shall be returned as a blank vote for such office.
5. If a voter shall do any act extrinsic to the ballot itself, such as enclosing any paper or other article in the folded ballot, such ballot shall be void.
6. No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice.
7. Every elector who does not vote a ballot delivered by the election officer shall, before leaving the polling place, return such ballot to such officer.
8. A cross (X) mark shall consist of any straight line crossing any other straight line at an angle within a voting circle or square. A voter may designate his choice of candidate by the cross (X) mark or by a check mark, or any other clear indicative mark. Any ballot which is defaced or torn by the voter shall be void.

1933, c. 165, s. 23; 1939, c. 116.

Sec. 136 (a-29). Offenses of voters; interference with voters; penalty. A voter who shall, except as herein otherwise provided, allow his ballot to be seen by any person, or who shall take or remove, or attempt to take or remove, any ballot from the polling place, or any person who shall interfere with, or attempt to interfere with any voter when inside said enclosed space, or when marking his ballot, or who shall remain longer than the specified time allowed by this chapter in the booth, after being notified that his time has expired, or who shall endeavor to induce any voter, while within the enclosure, before voting, to show how he marks or has marked his ballot, or aid, or attempt to aid, any voter by means of any mechanical device, or any other means whatever, while within the enclosure, in marking his ballot, shall be guilty of a misdemeanor and upon conviction shall

be fined or imprisoned, or both, in the discretion of the court; and election officers shall cause any person committing any of the offenses herein set forth to be arrested and shall cause charges to be preferred against the person so offending, in a court of competent jurisdiction.

1929, c. 164, s. 29.

Sec. 137 (a-30). Misdemeanor in office, when election officers are guilty of; fines, imprisonment; who to act on failure of election officers. Any judge of election or registrar, or other election officer, after having qualified, who wilfully and knowingly refuses or fails to perform the duties herein prescribed, or who wilfully and knowingly violates the provisions of this act, shall be guilty of a misdemeanor and subject to a fine, or to imprisonment in the county jail not less than ten nor more than ninety days at the discretion of the court.

1929, c. 164, s. 30.

Sec. 138 (a-31). Imposition on voter is forbidden; punishment. No person shall wilfully and knowingly impose upon any blind or illiterate voter a ballot in any election, contrary to his wish and desire, by falsely representing to such voter that the ballot proposed to him is such that he desired; and any person convicted of falsely representing to such blind or illiterate voter that the ballot presented to him is such as he desired shall be fined not less than one hundred nor more than five hundred dollars, or be confined in the county jail for not less than thirty days nor more than twelve months, at the discretion of the court.

1929, c. 164, s. 31.

Sec. 139 (a-32). Reading and numbering the ballots; certificate of result; delivery of boxes to board of elections. When the polls are closed the registrar and judge shall, in the presence of the watchers appointed by the respective executive committees of the several political parties and any other electors of the precinct who choose to be present open the box and count and record the number of votes received by each candidate and on each question or measure. The said judge of election and registrar shall not adjourn or postpone the canvass of the vote in such precinct until it shall be fully completed. The judges of election may, at their discretion, open the ballots of absent electors immediately after the close of the polls, subject to the rights of challenge now allowed by law. A certificate setting forth the results of such election shall be signed by the registrar and judge of election. Upon the close of the counting of the ballots, as herein provided, the said election official shall replace said ballots in the official ballot box and lock the same. The ballot box shall then be delivered to such place as may be designated by the county board of elections.

1929, c. 164, s. 32.

Sec. 140 (a-33). Hours of Elections. In all primaries and in all municipal and local elections in this State the polls shall be open between the hours of seven a. m. and seven p. m. Eastern Standard Time: *Provided*, that no poll shall remain open after sunset: *Provided, further*, that in all statewide general elections the polls shall be open from sunrise until sunset.

1929, c. 164, s. 33; 1937, c. 258 and c. 457.

Sec. 141 (a-34). Application to all primary elections; repeal of conflicting law; one party primary officials selected from party. The provisions of this act shall apply to any and all primary elections held in this State, or in any county thereof, as fully as it applies to general elections, as herein provided, and section six thousand and thirty-one of the Consolidated Statutes is hereby repealed, in so far as it conflicts with this act, the intent being to provide the same laws for the conduct of primaries as for general elections.

Provided, further, that in any primary election held under the provisions of this act, when only one political party participates in such primary, then, all of the election officials selected for holding such primary shall be chosen only from the political party so participating.

1929, c. 164, s. 34.

Sec. 142 (a-35). Assistants at polls; when allowed and amount to be paid. The County Board of Elections may appoint one clerk or assistant at any precinct in the county which has as many as five hundred qualified registered voters on the registration books in such precinct, and one additional such clerk or assistant for each additional five hundred qualified registered voters at such precinct. No other clerk or assistant shall be appointed for any precinct except as herein set out. Such assistants and clerks shall, in all cases, be qualified voters of the ward, or precinct, for which they are appointed, and they shall be paid the same compensation as is provided by law for the judges of election to be paid.

1933, c. 165, s. 24.

Sec. 143 (a-36). Watchers. Each political party or independent candidate named on the ballot may, by a writing signed by the county chairman of such political party, or, as the case may be, by the independent candidate or his manager, filed with one of the judges of election, appoint two watchers to attend each polling place. Such watchers shall serve also as challengers; *Provided*, that no person shall be appointed as a watcher who is not of good moral character; and the judges of election and registrar may for good cause shown reject any appointee and require that another be appointed. Such watchers shall in no case enter the guard-rail, but may be present at the opening of the boxes and the canvass of the ballots at the close of the election. *Provided*, that any elector when the name of any elector is called by the judges of election, may exercise the right of challenging the elector's right to vote and when he or she does so then such challenger may enter the election space to make good such challenge and then retire at once when such challenge is heard.

1929, c. 164, s. 36.

Sec. 144 (a-37). Supervision over primaries and elections; regulations. The State Board of Elections shall have general supervision over the primaries and elections provided for herein, and may delegate its authority to county boards appointed by it, and in case where sufficient provisions may not appear to have been made herein may make such regulations and provisions as it may deem necessary: *Provided*, none of the same shall be in conflict with any of the provisions of this act.

1929, c. 164, s. 37.

Sec. 145 (a-38). Bribery of election officials. Any registrar, pollholder, or other officer of an election, or member of the board of elections, who directly or indirectly seeks, receives, or accepts money or the promise of money, the promise of office, or other reward or compensation from a candidate in a primary or candidate in any election of a political party, or from any source other than as provided by law, shall be guilty of a felony, and, upon conviction, shall be punished by a fine or imprisonment, in the discretion of the court.

1929, c. 164, s. 38.

Sec. 146 (a-39). The official ballots to be furnished absentee electors; when deemed voted before sunset; deposit in boxes. The ballots to be furnished absentee electors under the provisions of section five thousand nine hundred and sixty-three of the Consolidated Statutes of North Carolina and acts amendatory thereof shall be the same as the official ballots hereinbefore designated. No vote of an absent elector shall be counted unless upon the official ballot printed as prescribed in this act.

Any absentee ballots received by the registrar during the hours now fixed by law for the receipt thereof shall be deemed to be voted before sunset, and may, if the convenience of the voters or officers holding the election will be promoted thereby may in their discretion be opened and deposited in the box immediately after the closing of the polls.

1929, c. 164, s. 39.

Sec. 147 (a-40). Fraud in connection with absentee vote; forgery repealed by Chap. 159, P. L. 1939.

Sec. 148 (a-41). Public officials violating subchapter disqualified from holding office and voting. Any public official who knowingly and wilfully violates any of the provisions of this act, and thereby aids in any way the illegal casting or attempting to cast a vote, or who shall connive to nullify any provision of this act in order that fraud may be perpetrated, shall upon conviction therefor be disqualified from holding office in the State of North Carolina, and shall be disqualified from exercising the right of franchise, as now provided in case of conviction for felony.

1929, c. 164, s. 41.

Sec. 149 (a-42). Definitions as applied to municipal primaries and elections. With respect to all municipal primaries and elections, wherever in this act appear the words "county board of elections" shall be deemed to be written the words "city or town governing body"; and wherever appear the words "chairman of the boards of elections" shall be deemed to be written the words "mayor of town or city."

1929, c. 164, s. 42.

Sec. 150 (a-43). Other laws repealed. All county and local elections laws, whether denominated as Australian ballots or otherwise, are hereby repealed; and all laws and clauses of laws in conflict with this act are hereby repealed.

1929, c. 164, s. 43.

SUBCHAPTER IV. CORRUPT PRACTICE ACT. PUBLIC LAWS 1931, CHAPTER 348.

Section.

- 151 (b-1). Cited as the Corrupt Practices Act.
- 152 (b-2). Definitions.
- 153 (b-3). Records of Contributions and Expenditures to be Kept.
- 154 (b-4). Persons Receiving Contribution to Make Report.
- 155 (b-5). Persons Making Expenditures for Candidate to Report.
- 156 (b-6). Candidates In Primary to File Report of Contributions and Expenditures Before and After Primary.
- 157 (b-7). What Report of Candidates Shall Contain.
- 158 (b-8). Campaign Committees to File Report.
- 159 (b-9). Certain Acts Declared Misdemeanors.
- 160 (b-10). Certain Acts Declared Felonies.
- 161 (b-11). No Person Excused from Testifying as to Violations.
- 162 (b-12). Duty of Attorney General and Solicitors to Make Investigations of Violations of Act.
- 163 (b-13). Duty of Secretary of State and Clerks of Superior Courts to Call for Required Reports.
- 164 (b-14). Act in Effect After Ratification.

“AN ACT TO MAKE MORE EFFECTIVE THE CONTROL OF THE STATE OVER CORRUPT PRACTICES IN PRIMARIES AND ELECTIONS.”

Sec. 151 (b-1). This act may be cited as the Corrupt Practices Act of one thousand nine hundred thirty-one.

Sec. 152 (b-2). Definition. When used in this act.

(a) The term “Candidate” means an individual whose name is presented for any office to be voted upon on any ballot at any primary, general or special election;

(b) The term “campaign committee” includes any committee, association or organization which accepts contributions or makes expenditures for the purpose of influencing or attempting to influence the nomination or election of any candidate at any primary, general or special election;

(c) The term “contribution” means any gift, payment, subscription, loan, advance, deposit of money, or anything of value, and includes any contract, promise or agreement to give, subscribe for, pay, loan, advance or deposit any money or other thing of value to or for the benefit of any candidate at any primary, general or special election, and whether or not said contract, promise or agreement is legally enforceable;

(d) The term “expenditure” means a payment, distribution, loan, advance, deposit or gift of money or anything else of value whatsoever, and includes a contract, promise or agreement to pay, distribute, give, loan, advance, or deposit any money or anything of value whatsoever, and whether or not such contract, promise or agreement is legally enforceable;

(e) The term “person” includes an individual, partnership, committee, association, corporation or any other organization or group of persons.

Sec. 153 (b-3). It shall be the duty of every candidate and the chairman and treasurer of any and every campaign committee to keep a detailed and exact account of:

- (1) All contributions made to or for such candidate or committee;
- (2) The name and address of every person making any such contribution, and the date thereof;
- (3) All expenditures made by or on behalf of such candidate or committee;

(4) The name and address of every person to whom any such expenditure is made, and the date thereof.

Sec. 154 (b-4). Every person who receives a contribution for a candidate or for a campaign committee in any primary, general or special election shall render such candidate or campaign committee, within five days after receipt of such contribution, a detailed account thereof, including the name and address of the person making such contribution.

Sec. 155 (b-5). Every person who makes any expenditure in behalf of any candidate or campaign committee in any primary, general or special election shall render to such candidate or campaign committee, within five days after making such expenditure, a detailed account thereof, including the name and address of the person to whom such expenditure was made.

Sec. 156 (b-6). It shall be the duty of every person who shall be a candidate for nomination in any primary for any Federal, State or district office, or for the State Senate in a district composed of more than one county, except where there shall be agreement for rotation as provided in Consolidated Statutes, six thousand fourteen, to file, under oath, ten days before such primary, with the Secretary of State, an itemized statement of all expenditures made by him or which he knows to have been made by any one for him, and of all contributions made to him, directly or indirectly, and also to file, under oath, within twenty days after such primary, with the Secretary of State, an itemized statement of all expenditures made by him or which he knows to have been made by any one else for him, and also of all contributions made to him, directly or indirectly, by any person, with detailed account of such contributions and expenditures as set out in section seven hereof. And it shall be the duty of every person who shall be a candidate for nomination for the State Senate, except those to whom the preceding sentence applies, for the House of Representatives, and for any county officer, to file a like statement with the clerk of the Superior Court of the county of his residence at the times hereinbefore prescribed for filing such statements by candidates for Federal, State and district officers as set out in the preceding sentence.

Sec. 157 (b-7). The statement of contributions and expenditures as required by the preceding section shall be itemized as follows:

(1) The name and address of each person who has made a contribution to or for such candidate or to or for his campaign committee within the calendar year, together with the amount and date of such contribution;

(2) The total sum of all contributions made to or for such candidate or to or for his campaign committee during the calendar year;

(3) The name and address of each person to whom, during the calendar year, an expenditure has been made by or in behalf of such candidate or by or in behalf of his campaign committee, and the amount, date, and purpose of such expenditure;

(4) The name and address of each person by whom an expenditure has been made during the calendar year in behalf of such candidate or his campaign committee and reported to such candidate or campaign committee, and the amount, date and purpose of such expenditure;

(5) The total sum of all expenditures made during the calendar year in behalf of such candidate or his campaign committee by any person and reported to such candidate or his campaign committee, and the amount, date, and purpose of such expenditure;

(6) The total sum of all expenditures made by such candidate or his campaign committee, or any person in his behalf during the calendar year.

Sec. 158 (b-8). A like statement as that required in the preceding section shall be filed by any and all campaign committees as hereinbefore defined with the Secretary of State not more than fifteen days nor less than

ten days before any primary, general or special election, and not more than twenty days after any such primary, general or special election, if said campaign committee is making expenditures in more than one county; and if such campaign committee is making expenditures in only one county, a like or similar report so itemized shall be made within the same periods to the clerk of the Superior Court of such county.

All of the statements or reports of contributions or expenditures as in this act required of any candidate or campaign committee must be verified by the oath or affirmation of the person filing such statement or report, taken before any officer authorized to administer oaths.

Sec. 159 (b-9). Certain acts declared misdemeanors. Any person who shall, in connection with any primary or election in this State, do any of the acts and things declared in this section to be unlawful, shall be guilty of a misdemeanor, and upon conviction shall be fined or imprisoned, or both, in the discretion of the court. It shall be unlawful:

(1) For any person to fail, as an officer or as a judge or registrar of a primary or election, or as a member of any board of elections or board of canvassers, to prepare the books, tickets and return blanks which it is his duty under the law to prepare, or to distribute the same as required by law, or to perform any other duty imposed upon him within the time and in the manner required by law;

(2) For any person to continue or attempt to act as a judge or registrar of a primary or election, or as a member of any board of elections, after having been legally removed from such position and after having been given notice of such removal;

(3) For any person to break up or by force or violence to stay or interfere with the holding of any primary or election, to interfere with the possession of any ballot box, election book, ticket or return sheet by those entitled to possession of the same under the law, or to interfere in any manner with the performance of any duty imposed by law upon any election officer or member of any board of elections or board of canvassers.

(4) For any person to be guilty of any boisterous conduct so as to disturb any member of any election or canvassing board or any registrar or judge of elections in the performance of his duties as imposed by law;

(5) For any person to bet or wager any money or other thing of value on any election;

(6) For any person, directly or indirectly, to discharge or threaten to discharge from employment, or otherwise intimidate or oppress any legally qualified voter on account of any vote such voter may cast or consider or intend to cast, or not cast, or which he may have failed to cast;

(7) For any person to make any contribution or expenditure to aid, or in behalf of any candidate or campaign committee, in any primary, general or special election, unless the same be reported immediately to such candidate or campaign committee, to the end that it may be included by him or it in the reports required by law;

(8) For any candidate or any chairman or treasurer of a campaign committee to fail to make under oath the report or reports required of him or it by sections six, seven and eight of this act, or for any campaign committee to fail to furnish to a candidate a duplicate copy of the report to be made by it or its chairman or treasurer;

(9) For any candidate for any political office to receive contributions or to make expenditures, or to assent to or permit contributions or expenditures in behalf of his candidacy in any primary, whether the same be done before or after said primary is held, in excess of the following sums:

A candidate for Governor and United States Senator	\$12,000;
A candidate for Congressman	6,000;
A candidate for Lieutenant-Governor	2,500;

A candidate for any other elective State office, one-half of the amount of the annual salary of such office;

A candidate for the General Assembly, either the Senate or the House of Representatives ----- 600;

Any candidate for any district, county or other office not hereinbefore named, one-half the annual salary of that office as it may be at the time of such primary; *Provided, however*, all candidates may lawfully pay, in addition to these amounts, their transportation expenses, board and lodging bills while campaigning for nomination to such office, and the sums so expended need not be reported in the reports hereinbefore required; *Provided, further*, that in any second primary for any of said offices, said candidate or candidates may spend in such second primary one-half of the amounts as above set out;

(10) For any person to publish in a newspaper or pamphlet or otherwise, any charge derogatory to any candidate or calculated to affect the candidate's chances of nomination or election, unless such publication be signed by the party giving publicity to and being responsible for such charge;

(11) For any person to publish or cause to be circulated derogatory reports with reference to any candidate in any primary or election, knowing such reports to be false or in reckless disregard of its truth or falsity, when such report is calculated or intended to affect the chances of such candidate for nomination or election;

(12) For any person to give or promise, in return for political support or influence, any political appointment or support for political office;

(13) For any chairman of a county board of elections or other returning officer to fail or neglect, wilfully or of malice, to perform any duty, act, manner or thing required or directed in the time, manner and form in which said duty, matter or thing is required to be performed in relation to any primary, general or special election and the returns thereof;

(14) For any register of deeds or clerk of the Superior Court to refuse to make and give to any person applying in writing for the same a duly certified copy of the returns of any primary or election or of a tabulated statement in a primary or election, the returns of which are by law deposited in his office, upon the tender of the fees therefor;

(15) For any corporation doing business in this State, either under domestic or foreign charter, directly or indirectly to make any contribution or expenditure in aid or in behalf of any candidate or campaign committee in any primary or election held in this State, or for any political purpose whatsoever, or for the reimbursement or indemnification of any person for money or property so used, or for any contribution or expenditure so made; or for any officer, director, stockholder, attorney or agent of any corporation to aid, abet, advise, or consent to any such contribution or expenditure, or for any person to solicit or knowingly receive any such contribution or expenditure.

Any officer, director, stockholder, attorney or agent of any corporation aiding or abetting in any contribution or expenditure made in violation of this subsection shall, in addition to being guilty of a misdemeanor as hereinbefore set out, be liable to such corporation for the amount of such contribution or expenditure, and the same may be recovered of him upon suit by any stockholder thereof;

(16) For any person wilfully and knowingly to impose upon any blind or illiterate voter a ballot in any primary or election contrary to the wish or desire of such voter, by falsely representing to such voter that the ballot proposed to him is such as he desires.

(17) That it shall be unlawful for any person holding any office, position, or employment in the State government, or under and with any department, institution, bureau, board, commission, or other State agency, or under and with any county, city, town, district, or other political subdivision, directly or indirectly, to discharge, threaten to discharge, or cause to be discharged, or otherwise intimidate or oppress any other per-

son in such employment on account of any vote such voter or any member of his family may cast, or consider or intend to cast, or not to cast, or which he may have failed to cast, or to seek or undertake to control any vote which any subordinate of such person may cast, or consider or intend to cast, or not to cast, by threat, intimidation, or declaration that the position, salary, or any part of the salary of such subordinate depends in any manner whatsoever, directly or indirectly, upon the way in which such subordinate or any member of his family casts, or considers or intends to cast, or not to cast his vote, at any primary or election. Any person violating this section shall be guilty of a misdemeanor and punished by fine and/or imprisonment, in the discretion of the court.

1933, c. 165, s. 25.

Sec. 160 (b-10). Certain acts declared felonies. Any person who shall, in connection with any primary, general or special election held in this State, do any of the acts or things declared in this section to be unlawful, shall be guilty of a felony and upon conviction shall be imprisoned in the State's Prison not less than four months or fined not less than one thousand dollars, or both, in the discretion of the court. It shall be unlawful:

(1) For any person fraudulently to cause his name to be placed upon the registration books of more than one election precinct or fraudulently to cause or procure his name or that of any other person to be placed upon the registration books in any precinct when such registration in that precinct does not qualify such person to vote legally therein, or to impersonate falsely another registered voter for the purpose of voting in the stead of such other voter;

(2) For any person to give or promise or request or accept at any time, before or after any such primary or election, any money, property or other thing of value whatsoever in return for the vote of any elector;

(3) For any person who is an election officer, a member of the canvassing or election board or other officer charged with any duty with respect to any primary or election, knowingly to make any false or fraudulent entry on any election book or any false or fraudulent returns, or knowingly to make or cause to be made any false statement on any ticket, or to do any fraudulent act, or knowingly and fraudulently omit to do any act or make any report legally required of such person;

(4) For any person knowingly to swear falsely with respect to any matter pertaining to any primary or election;

(5) For any person, convicted of a crime which excludes him from the right of suffrage, to vote at any primary or election without having been restored to the right of citizenship in due course and by the method provided by law;

(6) For any person to take corruptly the oath prescribed for voters, and the person so offending shall be guilty of perjury;

(7) For any person with intent to commit a fraud to register or vote at more than one box or more than one time, or to induce another to do so, in the same primary or election, or to vote illegally at any primary or election;

(8) For any registrar or any clerk or copyist to make any entry or copy with intent to commit a fraud;

(9) For any election official or other officer to make, certify, deliver or transmit any false returns of any primary or election, or to make any erasure or alteration in any registration or poll books with intent to commit a fraud;

(10) For any person to assault any registrar, judge of election or other election officer while in the discharge of his duty in the registration of voters or in conducting any primary or election;

(11) For any person, by threats, menaces or in any other manner, to intimidate or attempt to intimidate any registrar, judge of election or other

election officer in the discharge of his duties in the registration of voters or in conducting any primary or election;

(12) For any registrar, poll holder, member of a board of election, assistant, marker, or other election official, directly or indirectly, to seek, receive or accept money or the promise of money, the promise of office, or other reward or compensation from a candidate in any primary or election or from any source other than such compensation as may be provided by law for his services.

Sec. 161 (b-11). No person shall be excused from attending or testifying or producing any books, papers or other documents before any Court or magistrate upon any investigation, proceeding or trial for the violation of any of the provisions of the two preceding sections, upon the ground or for the reason that the testimony or evidence, documentary, or otherwise, required of him may tend to incriminate or degrade him, but such person may be subpoenaed and required to testify by and for the State relative to any offense arising under the provisions of the said two preceding sections; but such person shall not be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may so testify or produce evidence, documentary or otherwise, and no testimony so given or produced shall be used against him upon any criminal investigation or proceeding, but such person so compelled to testify with respect to any act of his own shall be immune from prosecution on account thereof, and shall be pardoned for any violation of law about which such person shall be so required to testify.

Sec. 162 (b-12). It shall be the duty of the Attorney-General, the solicitors of the several judicial districts, and all prosecuting attorneys of courts inferior to the Superior Court, to make diligent inquiry and investigation with respect to any violations of this act, and said officers are authorized and empowered to subpoena and compel the attendance of any person or persons before them for the purpose of making such inquiry and investigation.

Sec. 163 (b-13). It shall be the duty of the Secretary of State and the several clerks of the Superior Court to call upon the candidates and chairmen and treasurers of campaign committees for the reports required to be made to them by sections six, seven and eight hereof. If any candidate or chairman or treasurer of a campaign committee shall fail or neglect to make to the Secretary of State the reports required by said sections, then the Secretary of State shall bring such failure to the attention of the Attorney General, whose duty it shall then be to initiate a prosecution against such candidate or chairman or treasurer of such campaign committee for such violation of this act. If the Attorney General shall be a candidate in any such primary or election, such duty as herein required to be performed by him with respect to any contest in which he participates shall be performed by the solicitor of the judicial district of which Wake County is a part. If a candidate or the chairman or treasurer of a campaign committee fails to make the report to the clerk of the Superior Court as required by said sections, then said clerk of the Superior Court shall bring such failure to the attention of the solicitor of the district in which such county is a part, and said solicitor shall institute a prosecution for violation of this act.

Sec. 164 (b-14). This act shall be in force and effect from and after its ratification.

SUBCHAPTER V. ARTICLE VI. CONSTITUTION OF NORTH CAROLINA

SUFFRAGE AND ELIGIBILITY TO OFFICE

NOTE.—This Article of the constitution is printed in this pamphlet for the convenience of the registrars in applying the educational test of ability to read and write any part of the constitution before being allowed to register.

Sec. 1. Who may vote. Every male person born in the United States, and every male person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people in the State, except as herein otherwise provided.

Sec. 2. Qualifications of voters. He shall reside in the State of North Carolina for one year, and in the precinct, ward, or other election district in which he offers to vote four months next preceding the election: *Provided*, that removal from one precinct, ward or other election district to another in the same county shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which he has removed until four months after such removal. No person who has been convicted, or who has confessed his guilt in open court upon indictment, of any crime the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote, unless the said person shall be first restored to citizenship in the manner prescribed by law.

Sec. 3. Voters to be registered. Every person so offering to vote shall be at the time a legally registered voter as herein prescribed, and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this article.

Sec. 4. Qualification for registration. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language. But no male person who was, on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person, shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: *Provided*, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this State, unless disqualified under section two of this article.

Sec. 5. Indivisible plan; legislative intent. That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts, and to make them so dependent upon each other, that the whole shall stand or fall together.

Sec. 6. Elections by people and General Assembly. All elections by the people shall be by ballot, and all elections by the General Assembly shall be Viva voce.

Sec. 7. Eligibility to office; official oath. Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office he shall take and subscribe the following oath:

"I, _____, do solemnly swear (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina not inconsistent therewith, and that I will faithfully discharge the duties of my office as _____, so help me, God."

Sec. 8. Disqualification for office. The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the penitentiary, since becoming citizens of the United States, or of corruption or malpractice in office, unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

Sec. 9. When this chapter operative. That this amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next general election shall be cast in favor of this suffrage amendment.

SUBCHAPTER VI. CONGRESSIONAL, JUDICIAL AND SENATORIAL DISTRICTS OF NORTH CAROLINA.

CONGRESSIONAL DISTRICTS

First District—Beaufort, Camden, Chowan, Currituck, Dare, Gates, Hertford, Hyde, Martin, Pasquotank, Perquimans, Pitt, Tyrrell, Washington.

Second District—Bertie, Edgecombe, Greene, Halifax, Lenoir, Northampton, Warren, Wilson.

Third District—Carteret, Craven, Duplin, Jones, Onslow, Pamlico, Pender, Sampson, Wayne.

Fourth District—Chatham, Franklin, Johnston, Nash, Randolph, Vance, Wake.

Fifth District—Caswell, Forsyth, Granville, Person, Rockingham, Stokes, Surry.

Sixth District—Alamance, Durham, Guilford, Orange.

Seventh District—Bladen, Brunswick, Columbus, Cumberland, Harnett, New Hanover, Robeson.

Eighth District—Anson, Davidson, Davie, Hoke, Lee, Montgomery, Moore, Richmond, Scotland, Union, Wilkes, Yadkin.

Ninth District—Alexander, Alleghany, Ashe, Cabarrus, Caldwell, Iredell, Rowan, Stanly, Watauga.

Tenth District—Avery, Burke, Catawba, Cleveland, Gaston, Lincoln, Madison, Mecklenburg, Mitchell, Yancey.

Eleventh District—Buncombe, Cherokee, Clay, Graham, Haywood, Henderson, Jackson, McDowell, Macon, Polk, Rutherford, Swain, Transylvania.

JUDICIAL DISTRICTS

EASTERN DISTRICT

First District—Camden, Gates, Currituck, Chowan, Pasquotank, Beaufort, Hyde, Dare, Perquimans, Tyrrell.

Second District—Nash, Wilson, Edgecombe, Martin, Washington.

Third District—Bertie, Hertford, Northampton, Halifax, Warren, Vance.

Fourth District—Lee, Chatham, Johnston, Wayne, Harnett.

Fifth District—Pitt, Craven, Carteret, Pamlico, Jones, Greene.

Sixth District—Onslow, Duplin, Sampson, Lenoir.

Seventh District—Wake, Franklin.

Eighth District—Brunswick, Columbus, New Hanover, Pender.

Ninth District—Robeson, Bladen, Hoke, Cumberland.

Tenth District—Granville, Person, Alamance, Durham, Orange.

WESTERN DISTRICT

Eleventh District—Ashe, Forsyth, Alleghany.

Twelfth District—Davidson, Guilford.

Thirteenth District—Richmond, Stanly, Union, Moore, Anson, Scotland.

Fourteenth District—Mecklenburg, Gaston.

Fifteenth District—Montgomery, Randolph, Iredell, Cabarrus, Rowan, Alexander.

Sixteenth District—Catawba, Lincoln, Cleveland, Burke, Caldwell, Watauga.

Seventeenth District—Avery, Davie, Mitchell, Wilkes, Yadkin.

Eighteenth District—McDowell, Transylvania, Yancey, Rutherford, Henderson, Polk.

Nineteenth District—Buncombe, Madison.

Twentieth District—Haywood, Swain, Cherokee, Macon, Graham, Clay, Jackson.

Twenty-first District—Caswell, Rockingham, Stokes, Surry.

SENATORIAL DISTRICTS

First District—Camden, Chowan, Currituck, Gates, Hertford, Pasquotank and Perquimans counties shall elect two senators.

Second District—Beaufort, Dare, Hyde, Martin, Pamlico, Tyrrell and Washington shall elect two senators.

Third District—Bertie and Northampton shall elect one senator.

Fourth District—Edgecombe and Halifax shall elect two senators.

Fifth District—Pitt shall elect one senator.

Sixth District—Franklin, Nash and Wilson shall elect two senators.

Seventh District—Carteret, Craven, Greene, Jones, Lenoir, and Onslow shall elect two senators.

Eighth District—Johnston and Wayne shall elect two senators.

Ninth District—Duplin, New Hanover, Pender and Sampson shall elect two senators.

Tenth District—Bladen, Brunswick, Columbus and Cumberland shall elect two senators.

Eleventh District—Robeson shall elect one senator.

Twelfth District—Harnett, Hoke, Moore and Randolph shall elect two senators.

Thirteenth District—Chatham, Lee and Wake shall elect two senators.

Fourteenth District—Vance and Warren shall elect one senator.

Fifteenth District—Granville and Person shall elect one senator.

Sixteenth District—Alamance, Caswell, Durham and Orange shall elect two senators.

Seventeenth District—Guilford and Rockingham shall elect two senators.

Eighteenth District—Davidson, Montgomery, Richmond and Scotland shall elect two senators.

Nineteenth District—Anson, Stanly and Union shall elect two senators.

Twentieth District—Cabarrus and Mecklenburg shall elect two senators.

Twenty-first District—Rowan shall elect one senator.

Twenty-second District—Forsyth shall elect one senator.

Twenty-third District—Stokes and Surry shall elect one senator.

Twenty-fourth District—Davie, Wilkes, and Yadkin shall elect one senator.

Twenty-fifth District—Catawba, Iredell and Lincoln shall elect two senators.

Twenty-sixth District—Gaston shall elect one senator.

Twenty-seventh District—Cleveland, Henderson, McDowell, Polk and Rutherford shall elect two senators.

Twenty-eighth District—Alexander, Burke, and Caldwell shall elect one senator.

Twenty-ninth District—Alleghany, Ashe and Watauga shall elect one senator.

Thirtieth District—Avery, Madison, Mitchell and Yancey shall elect one senator.

Thirty-first District—Buncombe shall elect one senator.

Thirty-second District—Haywood, Jackson and Transylvania shall elect one senator.

Thirty-third District—Cherokee, Clay, Graham, Macon, and Swain shall elect one senator.

SUBCHAPTER VII. VOTE FOR GOVERNOR BY COUNTIES IN PRIMARIES AND ELECTIONS.

VOTE BY COUNTIES FOR GOVERNOR IN DEMOCRATIC PRIMARY, 1936

Counties	1936 First Primary				1936 Second Primary	
	McRae	Hoey	McDonald	Graham	Hoey	McDonald
Alamance.....	25	1,763	2,481	2,447	2,740	2,588
Alexander.....	5	1,474	551	223	2,142	872
Alleghany.....	2	761	565	644	1,029	1,066
Anson.....	1,701	1,228	1,488	553	2,584	1,440
Ashe.....	4	1,734	916	403	2,579	1,536
Avery.....	3	446	149	54	453	103
Beaufort.....	17	1,226	1,918	1,600	2,331	2,278
Bertie.....	7	721	1,365	1,105	994	2,121
Bladen.....	78	1,187	1,724	701	1,095	1,334
Brunswick.....	12	783	485	603	1,184	727
Buncombe.....	102	9,897	6,471	2,878	12,975	4,679
Burke.....	2	2,955	1,090	248	3,766	1,362
Cabarrus.....	43	3,551	2,820	776	4,421	3,102
Caldwell.....	3	2,694	1,052	86	3,046	1,428
Camden.....	8	510	446	710	821	460
Carteret.....	10	1,946	1,528	345	2,413	1,685
Caswell.....	13	591	1,215	766	1,246	1,320
Catawba.....	11	3,543	1,995	380	4,178	2,246
Chatham.....	27	1,051	1,216	1,109	1,823	1,316
Cherokee.....	4	1,425	334	339	1,868	323
Chowan.....	8	262	489	805	820	489
Clay.....	1	969	208	53	1,071	179
Cleveland.....	34	10,756	2,025	192	11,244	1,209
Columbus.....	99	2,464	2,669	1,612	3,117	3,905
Craven.....	42	1,894	1,430	2,626	2,910	1,716
Cumberland.....	32	1,323	2,574	2,630	2,313	3,131
Currituck.....	23	631	500	892	874	777
Dare.....	7	1,069	353	53	1,139	193
Davidson.....	16	3,983	2,222	892	4,615	2,688
Davie.....	3	932	507	172	1,181	641
Duplin.....	47	1,624	1,331	1,813	1,919	1,764
Durham.....	48	2,174	2,473	5,239	5,767	7,477
Edgecombe.....	33	929	3,214	1,886	1,864	3,548
Forsyth.....	62	4,816	11,024	2,817	6,452	12,761
Franklin.....	32	776	3,129	1,643	1,370	3,643
Gaston.....	67	6,844	3,292	687	7,125	3,114
Gates.....	11	538	475	529	1,016	696
Graham.....	2	235	240	281	557	243
Granville.....	27	1,259	1,513	1,511	1,940	1,651
Greene.....	21	627	705	1,565	1,417	1,506
Guilford.....	64	7,068	5,893	2,931	8,678	6,084
Halifax.....	55	1,323	6,162	2,076	1,980	6,821
Harnett.....	31	2,025	1,944	1,585	2,599	3,130
Haywood.....	43	3,268	1,738	2,991	5,633	916
Henderson.....	14	1,741	714	1,424	3,180	642
Hertford.....	13	761	578	636	947	1,037
Hoke.....	28	417	604	831	840	682
Hyde.....	17	457	989	340	510	740
Iredell.....	64	4,196	2,795	1,438	4,570	2,921
Jackson.....	14	1,389	450	1,423	2,771	257
Johnston.....	36	2,506	4,534	2,902	4,451	6,724

(Over)

**VOTE FOR GOVERNOR BY COUNTIES IN DEMOCRATIC PRIMARY
1936—Continued**

Counties	1936 First Primary				1936 Second Primary	
	McRae	Hoey	McDonald	Graham	Hoey	McDonald
Jones.....	25	455	532	888	757	743
Lee.....	56	1,177	1,593	1,211	1,738	2,075
Lenoir.....	46	1,063	1,932	2,129	1,930	2,760
Lincoln.....	13	2,221	621	397	2,515	570
Macon.....	15	1,527	530	217	1,711	349
Madison.....	21	1,712	901	322	2,170	382
Martin.....	14	811	1,312	970	1,240	2,266
McDowell.....	10	2,805	1,292	320	3,305	1,052
Mecklenburg.....	1,554	6,969	6,921	4,200	9,467	7,771
Mitchell.....		892	74	28	1,074	67
Montgomery.....	27	1,658	666	262	1,606	730
Moore.....	65	1,133	1,576	1,202	1,695	1,911
Nash.....	23	1,328	4,648	2,509	2,414	5,006
New Hanover.....	44	1,126	2,239	2,301	2,133	2,525
Northampton.....	17	1,757	1,721	543	1,701	2,126
Onslow.....	30	984	883	1,091	1,222	1,197
Orange.....	14	240	832	2,931	1,676	1,153
Pamlico.....	14	665	482	420	863	706
Pasquotank.....	9	1,064	740	1,715	1,658	1,005
Pender.....	26	911	1,340	396	1,182	1,212
Perquimans.....	5	404	200	731	758	404
Person.....	15	267	967	1,568	1,232	1,229
Pitt.....	65	1,945	3,845	3,847	2,959	5,378
Polk.....	28	1,490	295	371	1,931	549
Randolph.....	23	2,223	1,210	416	2,671	1,364
Richmond.....	98	1,613	3,354	983	1,783	3,102
Robeson.....	113	5,255	4,809	2,081	5,356	4,920
Rockingham.....	24	2,789	2,039	1,690	3,455	2,569
Rowan.....	15	4,034	3,000	2,019	5,302	3,354
Rutherford.....	50	6,319	1,533	633	6,965	1,533
Sampson.....	14	1,057	1,037	716	1,539	1,238
Scotland.....	70	892	1,628	1,187	1,942	2,158
Stanly.....	74	2,486	1,542	495	2,686	1,101
Stokes.....	4	976	974	957	1,723	1,074
Surry.....	14	1,399	1,276	3,335	4,833	1,897
Swain.....	11	1,058	389	546	1,617	262
Transylvania.....	18	1,142	690	707	1,548	525
Tyrrell.....	9	476	192	99	391	205
Union.....	442	3,265	2,988	894	3,374	2,619
Vance.....	18	1,139	2,141	1,727	1,835	1,750
Wake.....	122	4,140	11,281	7,652	7,522	12,849
Warren.....	44	540	1,553	1,178	983	2,037
Washington.....	27	748	554	576	867	1,201
Watauga.....	8	1,381	281	81	1,656	288
Wayne.....	91	1,569	3,622	2,419	2,741	4,469
Wilkes.....	9	2,820	978	279	3,159	1,278
Wilson.....	72	930	4,266	2,580	2,078	4,948
Yadkin.....	19	442	743	471	970	936
Yancey.....	10	1,935	699	47	1,863	300
Totals.....	6,606	193,972	189,594	126,782	266,354	214,414

VOTE FOR GOVERNOR BY COUNTIES, ELECTIONS 1924-1936

Counties	1924		1928		1932		1936	
	A. W. McLean Democrat	I. M. Meekins Republican	O. Max Gardner Democrat	H. F. Seawell Republican	J. C. B. Ehringhaus Democrat	Clifford C. Frazier Republican	Clyde R. Hoey Democrat	Gilliam Grissom Republican
Alamance.....	4,934	3,168	5,600	6,160	8,001	5,078	8,132	6,388
Alexander.....	2,293	2,429	2,430	2,250	2,941	2,047	2,972	2,499
Alleghany.....	1,648	1,242	1,648	1,214	1,935	812	2,010	1,646
Anson.....	2,391	209	3,263	508	4,250	209	4,377	378
Ashe.....	4,350	3,891	4,097	3,994	4,708	3,946	5,605	4,556
Avery.....	460	2,151	481	3,094	1,033	2,650	859	2,889
Beaufort.....	3,081	1,283	4,062	2,122	5,420	895	5,388	1,272
Bertie.....	1,836	85	2,186	138	3,141	45	3,436	171
Bladen.....	1,691	600	2,185	1,433	2,590	889	3,105	602
Brunswick.....	1,123	1,247	1,214	1,452	2,187	1,870	2,664	1,665
Buncombe.....	10,826	6,011	15,393	14,493	18,910	8,281	23,214	9,460
Burke.....	4,089	3,227	3,847	4,503	5,898	4,981	7,030	5,801
Cabarrus.....	4,539	3,604	5,991	5,948	8,497	3,572	9,859	4,627
Caldwell.....	3,374	2,466	3,004	3,678	5,505	3,785	6,198	3,990
Camden.....	396	161	696	118	940	51	1,006	97
Carteret.....	2,313	1,832	2,712	2,726	3,456	1,782	3,692	1,994
Caswell.....	1,074	443	1,257	459	1,828	184	2,110	414
Catawba.....	5,831	6,028	5,759	7,953	8,391	5,879	9,684	7,669
Chatham.....	3,271	2,752	4,352	3,081	4,177	2,849	3,870	2,517
Cherokee.....	1,767	2,317	2,149	3,058	3,336	3,184	3,383	3,257
Chowan.....	733	80	1,084	112	1,656	36	1,381	103
Clay.....	1,004	1,124	961	1,012	1,331	1,284	1,274	1,598
Cleveland.....	3,789	1,796	6,453	3,678	8,143	1,831	10,925	2,294
Columbus.....	2,855	1,428	3,661	2,865	5,167	733	5,952	1,291
Craven.....	3,081	221	3,744	976	4,446	328	5,313	386
Cumberland.....	3,304	1,093	4,312	2,531	5,091	871	5,469	1,714
Currituck.....	639	82	1,288	68	1,774	27	1,584	72
Dare.....	823	638	977	717	1,327	478	1,365	526
Davidson.....	6,558	6,202	7,223	8,290	9,333	6,432	8,951	9,191
Davie.....	1,807	2,680	1,553	2,784	2,418	2,663	2,030	2,902
Duplin.....	2,981	1,502	3,361	2,550	4,512	1,199	5,595	1,714
Durham.....	5,233	2,752	6,671	5,964	8,075	2,384	9,811	4,609
Edgecombe.....	2,437	92	4,662	469	5,884	207	5,781	731
Forsyth.....	7,875	5,256	11,176	9,893	14,557	5,688	12,874	10,011
Franklin.....	1,987	270	3,118	415	4,240	216	4,433	554
Gaston.....	6,694	3,467	8,640	8,698	12,927	5,223	15,711	5,762
Gates.....	664	95	755	266	1,214	60	1,415	105
Graham.....	871	906	1,058	1,192	1,349	1,224	1,463	1,337
Granville.....	2,218	433	3,241	568	3,806	211	3,892	388
Greene.....	1,132	151	1,332	329	2,477	89	2,837	203
Guilford.....	9,236	6,453	13,523	13,456	18,550	10,729	19,362	14,840
Halifax.....	3,329	185	5,379	371	6,464	222	6,669	1,290
Harnett.....	3,336	2,824	4,219	4,416	6,292	2,756	6,563	3,255
Haywood.....	4,569	2,375	4,837	4,019	6,936	2,986	8,141	3,244
Henderson.....	3,066	3,406	3,881	4,571	5,374	4,290	5,926	4,988
Hertford.....	986	108	1,288	122	1,855	81	2,112	121
Hoke.....	1,160	112	1,321	204	1,775	63	1,777	191
Hyde.....	657	352	722	406	995	132	1,030	309
Iredell.....	6,505	3,608	6,539	5,751	8,387	3,786	9,852	4,845
Jackson.....	3,170	2,779	3,356	3,382	4,379	2,878	4,575	3,055
Johnston.....	4,727	4,842	5,931	7,246	9,460	4,062	9,554	5,535
Jones.....	711	150	824	301	1,416	119	1,433	198

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VOTE FOR GOVERNOR BY COUNTIES, 1924-1936—Continued

Counties	1924		1928		1932		1936	
	A. W. McLean Democrat	I. M. Meekins Republican	O. Max Gardner Democrat	H. F. Seawell Republican	J. C. B. Ehringhaus Democrat	Clifford C. Frazier Republican	Clyde R. Hoey Democrat	Gilliam Grissom Republican
Lee.....	1,862	677	2,110	1,176	3,019	750	3,121	1,072
Lenoir.....	2,294	395	2,955	637	4,600	326	5,006	727
Lincoln.....	2,948	2,679	3,503	3,752	4,403	3,819	5,223	3,717
Macon.....	2,651	2,218	2,544	2,542	3,021	2,331	3,128	2,490
Madison.....	1,430	3,110	1,316	3,558	2,677	4,526	3,137	4,958
Martin.....	2,012	193	2,905	300	3,750	78	3,929	211
McDowell.....	3,084	2,557	3,859	3,222	4,829	2,503	5,162	3,274
Mecklenburg.....	8,978	2,128	15,213	7,373	19,027	4,002	24,459	5,358
Mitchell.....	747	1,604	985	3,316	1,732	3,251	1,664	3,331
Montgomery.....	2,510	2,060	2,558	2,476	2,929	2,279	3,324	2,599
Moore.....	2,872	1,848	3,051	3,165	4,299	2,485	3,831	2,883
Nash.....	3,253	765	4,853	1,382	7,241	668	6,894	1,396
New Hanover.....	5,295	558	4,695	2,129	6,615	798	6,783	1,399
Northampton.....	1,705	101	2,104	160	3,277	124	3,448	169
Onslow.....	1,163	364	1,426	755	2,562	227	2,446	246
Orange.....	2,015	1,193	2,432	2,045	2,999	1,093	3,095	2,086
Pamlico.....	909	393	1,069	810	1,418	759	1,463	878
Pasquotank.....	1,020	548	2,278	430	3,140	167	3,033	336
Pender.....	1,219	208	1,547	770	1,992	233	2,266	303
Perquimans.....	557	283	884	380	1,373	154	1,165	176
Person.....	1,603	1,004	1,425	910	2,419	600	2,343	710
Pitt.....	3,362	433	5,274	830	7,606	221	8,265	942
Polk.....	1,659	1,407	1,828	1,645	2,426	1,467	2,571	1,725
Randolph.....	5,395	6,286	5,560	6,988	7,381	6,519	7,010	7,471
Richmond.....	2,719	504	3,679	1,470	4,749	741	5,913	980
Robeson.....	4,778	610	5,816	1,837	7,927	763	9,714	1,003
Rockingham.....	4,481	2,569	4,667	4,713	7,490	3,127	8,995	4,417
Rowan.....	5,335	3,638	6,324	6,924	9,841	4,545	10,157	6,524
Rutherford.....	5,170	3,842	5,312	5,121	8,298	4,718	9,437	5,235
Sampson.....	2,080	3,316	2,750	5,160	4,679	4,511	5,256	5,468
Scotland.....	1,511	138	2,036	341	2,608	191	2,899	382
Stanly.....	3,968	3,529	3,826	4,175	5,795	4,174	6,101	4,796
Stokes.....	2,298	2,490	2,444	3,560	3,565	2,915	3,883	3,588
Surry.....	4,504	4,979	4,678	6,495	7,551	4,716	8,039	5,318
Swain.....	1,795	2,177	1,895	2,335	2,384	1,964	2,600	2,117
Transylvania.....	1,842	1,775	1,973	2,010	2,563	1,728	2,852	1,099
Tyrrell.....	493	599	540	462	830	274	933	339
Union.....	2,782	613	3,495	1,598	5,747	875	7,209	580
Vance.....	2,271	357	2,901	895	3,825	294	3,780	751
Wake.....	9,300	2,267	11,856	4,209	14,459	2,471	15,171	5,661
Warren.....	1,827	94	2,363	136	2,707	75	2,712	234
Washington.....	846	834	1,038	1,059	1,668	675	1,760	612
Watauga.....	2,405	2,747	3,199	2,792	3,376	3,159	3,909	3,703
Wayne.....	3,801	1,203	4,738	3,515	6,317	1,649	6,051	2,398
Wilkes.....	3,563	6,148	3,506	7,394	5,628	6,718	6,222	8,527
Wilson.....	2,659	647	4,185	1,251	5,970	528	5,845	1,334
Yadkin.....	1,389	2,880	1,284	3,641	2,759	3,554	2,702	4,461
Yancey.....	2,649	2,132	2,714	2,475	3,302	2,539	3,588	2,705
Totals.....	294,441	185,627	362,009	289,415	497,657	212,561	542,139	270,843

SUBCHAPTER VIII. RULES ADOPTED BY STATE BOARD OF ELECTIONS GOVERNING CONTESTS WITH RESPECT TO ELECTIONS AND REMOVAL OF ELECTION OFFICIALS

ELECTION CONTESTS

1

When any controversy shall arise with respect to the counting of the ballots, or the certification of the returns of the vote, in any primary or general election, in any precinct or precincts, any candidate or elector desiring to make any complaint or protest regarding same shall make such protest in writing to the County Board of Elections on or before the time fixed by the statutes for the canvassing of the votes for such primary or general election by the County Board of Elections, and said County Board of Elections may determine the controversy at said meeting or at any time hereinafter specified.

If, after the canvass is completed by the County Board of Elections, any candidate or candidates, participating in such primary or election, demands a recount by the County Board of Elections in any one or more precincts in the county, and presents sufficient evidence by affidavit tending to show errors in the canvassing of said votes by the County Board of Elections, either because of an error in the tabulation thereof or because of the counting of alleged illegal ballots, in an amount alleged to be sufficient to change the results of the nomination or election of such candidate or candidates, then this demand for the recount must be made to the chairman or secretary of the County Board of Elections, in writing, by 6 o'clock p.m. on or before the second day following the completion of the original count by said County Board and the declaration by it of the results of said primary or election. The County Board of Elections shall thereupon, within the time prescribed, meet to consider this demand for a recount.

2

Such written protest shall specify the names of each voter whose vote is alleged to have been illegally cast, and shall state the reason or reasons assigned for such illegality.

3

If the protest is based upon any cause other than illegal votes alleged to have been cast, the exact nature of the protest shall be stated so that the County Board of Elections may be fully advised of the nature and character of each charge at the time of filing such written protest. It shall be the duty of the elector or electors filing the same to cause a copy thereof to be served upon the candidate or candidates whose vote in such primary or general election would be adversely affected if such protest should be sustained. The Chairman of the County Board of Elections may require notice to be served on other candidates or electors, or election officials, if in his opinion such others may be directly involved in the controversy.

4

It shall be the duty of the County Board of Elections, upon receipt of such protest or demand for a recount, to fix a time and place when such charges will be heard by it, and said Board may in its discretion allow the evidence to be presented in affidavit form, or it may subpoena witnesses and examine them in person.

If said protest or demand for a recount involves the nomination of a candidate in a first primary, and there are more than two candidates participating in said primary for the nomination to said office, then the date of the hearing by said County Board must be held, and its decision thereon must be made, within sufficient time for the holding of the second primary on the date specified by law to determine the nomination of the candidate for said office.

5

After hearing the evidence, the County Board of Elections shall pass upon the same, and after having done so it shall be its duty to record its findings and conclusions in its minutes and proceed to certify the results of such election, as required by law. Upon hearing the evidence the County Board of Elections, by a majority vote of its members, may submit its findings of fact to the State Board of Elections for instructions from the State Board of Elections with respect to any conclusions of law arising upon such facts, and it shall be the duty of the State Board of Elections, either through its chairman or executive secretary or a majority of its Board, to advise the County Board with respect thereto.

6

Either party to such protest before the County Board of Elections, acting as a canvassing board, may appeal from its findings of fact or conclusions of law to the State Board of Elections; whereupon it shall be the duty of the State Board of Elections to fix a time and place for hearing the controversy *de novo*.

Appeals to the State Board of Elections, from the decisions of the County Board of Elections, shall be perfected within two days after the decision is rendered by the County Board of Elections in a first primary and five days in a second primary or general election, and the appellant's statement of his case on appeal shall, within said two or five-day period, be mailed to the Chairman or Executive Secretary of the State Board of Elections, together with an extra copy of same for the appellee.

7

Upon such appeal from the County Board of Elections, the State Board of Elections may require the evidence to be presented to it in affidavit form, or at its election it may subpoena and examine witnesses, or both, but the charges investigated shall be only those contained in the original written protest and answer of the respondents, except as to amendments allowed or directed by the State Board.

8

The findings of fact and conclusions of law of the State Board of Elections shall be made in writing and a copy thereof furnished to the protestants and respondents, and one copy filed with the Executive Secretary of the State Board of Elections as a permanent record in said office.

9

Neither the County Board of Elections nor the State Board of Elections will investigate or conduct any hearing of charges or protests frivolous in nature, or which in the opinion of either Board have been filed for the mere purpose of delay, or which have not been made in good faith.

When any charges are preferred either before the County Board of Elections or the State Board of Elections, with respect to the canvass of the vote in any primary or general election, pending the hearing an examination or inspection of the ballots and other official documents of the election officials shall be permitted under such conditions as the Board may prescribe in each particular case, great care being exercised in each instance to preserve all ballots and official records and papers.

CHARGES AGAINST MEMBER OF COUNTY BOARD OF ELECTIONS

1

Any elector desiring to prefer charges with the State Board of Elections against a member of any County Board of Elections may do so by filing with the Board a statement, in writing, verified by the oath of the elector, which statement must contain:

(a) The name and postoffice address of the official against whom the charges are preferred.

(b) A brief, intelligent statement of the facts constituting the official misconduct alleged, with a reference to the date and place of such misconduct.

(c) The names and addresses, so far as may be known to the person filing the charges, of persons who have knowledge or information of the matters referred to in the charges as filed.

2

If the charges thus filed show prima facie a violation of the election law, a breach of official duty, a participation in intentional irregularities, incapacity or incompetency to discharge the duties of the office, the State Board of Elections will cause notice thereof to be given to the official against whom the charges are preferred, by mail or by such other methods as the Board may adopt, of such charges and name a day and place for the hearing thereof.

3

At such hearing the persons preferring such charges shall appear, and by affidavits, unless otherwise ordered or permitted by the Board, present the evidence tending to support the charges. Such affidavits must be served on the official against whom such charges have been filed, by the person filing the charges, at least three days before the time set for the hearing.

4

The official against whom charges are preferred shall have the right to be heard by affidavit, or otherwise as the Board may direct, in denial, rebuttal, explanation, or extenuation of the charges.

5

The inquiry shall be confined to the charges as filed, but the Board, as a matter of course, may of its own motion investigate any matter coming to its attention or notice as the result of hearing said charges.

6

Either party may make application to the Chairman of the Board for subpoenas for witnesses to be heard orally at such hearing; but such application, in addition to listing the names of the witnesses, shall contain a brief statement of what is expected to be proved by each witness and the reason for not obtaining the affidavit of such witness or witnesses. If, upon such application for subpoenas, the Chairman of the Board is of the opinion that the oral evidence of such witnesses will be helpful to the Board, subpoenas will be issued for the personal appearance of the witnesses, and if required by the subpoena, the witness shall produce such books, papers, or records as may be called for in said subpoena.

CHARGES AGAINST ANY PRECINCT ELECTION OFFICIAL

1

Any elector may file with the Chairman of any County Board of Elections charges against any precinct election official, and the County Board of Elections shall, in the hearing of such charges, adopt the same procedure as is prescribed herein for hearing of charges filed with the State Board of Elections against a member of any County Board of Elections.

2

Upon the filing of such charges with the County Board of Elections, the Chairman of such Board shall forthwith set the date for the hearing of such charges and immediately transmit to the State Board of Elections a copy of such charges, advising this Board of the date set for the hearing, and at once, after the hearing, advise the State Board of the disposition made by the County Board of the charges thus heard.

From the decision of the County Board the petitioning elector, or responding official, may appeal to the State Board of Elections, when the matter will be heard de novo, under the rules prescribed for hearings before the State Board.

SUMMARY INVESTIGATION

The State Board may, whenever the circumstances of any matter pending before it may indicate the necessity therefor, suspend these rules and proceed in a summary manner to make any inquiry or investigation which in its judgment may be necessary or desirable for the prompt and efficient enforcement of the laws pertaining to elections, and the proper performance of their duties by election officials.

REPORTS OF EVIDENCE TENDING TO SHOW CRIMINAL VIOLATION OF ELECTION LAWS TO BE MADE TO PROSECUTING OFFICERS

The State Board of Elections and every County Board of Elections, upon the completion of any hearing with respect to the violation of the election laws, shall report in writing to the appropriate prosecuting officer a resume or summary of all evidence heard by such Board which tends to show that any person or persons probably have been guilty of one or more violations of the election laws, the violation of which is made a crime by law. A record shall be kept by such Board of all such reports to such prosecuting officers. Upon request by any prosecuting officer, the written evidence heard by either Board shall be made available for his examination and official use.

These rules were adopted by the State Board of Elections on the fourteenth day of September, 1934.



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